GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

THE

UNREPEALED GENERAL ACTS

OF

THE GOVERNOR GENERAL IN COUNCIL

FOR THE YEARS

1885 to 1888

WITH

FULL CHRONOLOGICAL TABLES

SHOWING

ALL THE ACTS OF THE GOVERNOR GENERAL IN COUNCIL

FROM

1834 to 1884.

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CALCUTTA:
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PREFACE.

THIS volume contains such of the unrepealed Acts of the Governor General in Council passed during the years 1885, 1886, 1887 and 1888 as extend (wholly or in part), or are extendible, to the whole of British India or to the three Presidency-towns.

2. The volume is founded on the official copies of the Acts preserved in the Legislative Department. It does not, however, purport to be an authoritative reprint of the Acts.

3. The following changes have been made in reprinting the Acts :—

(*a*) Sections and chapters which have been entirely repealed have been omitted, but their marginal notes or headings have been reprinted in italics for convenience of reference, with a note citing the repealing enactment. Acts, sections, clauses or words which have been repealed in particular localities only are retained, but references to the repeal have been given in foot-notes. Where only part of a section has been repealed, the repealed matter has been omitted and a foot-note has been inserted explaining the omission.

(*b*) Where an Act directs that a section, a clause or words shall be inserted in a former Act, such insertion has been made, and a reference to the amending Act has been given.

(*c*) Where one Act refers to another, and such reference is

directed by a subsequent Act to be read as if made to the latter Act, the reference has, as a rule, been altered accordingly in the text.

(*d*) Section-numbers occurring in the text have been uniformly printed in figures, instead of in words.

(*e*) In addition to the subject or short title of the Act, the number and title of the chapter, and the sections comprised in the page, have been noted as a heading to each page.

4. The foot-notes in this volume consist chiefly of the references mentioned in clauses (*a*) and (*b*) of the foregoing paragraph, cross-references to other Acts, and references to Gazette notifications bringing Acts into force or extending the same.

5. The chronological table prefixed to this volume enumerates all Acts of the Governor General in Council passed during the years 1885 to 1888, and shews the pages at which Acts contained herein may be found.

Another chronological table of all Acts of the Governor General in Council from 1834 to 1884 has, for convenience of reference, been appended to this volume.

The fourth column of these tables shews all repeals and amendments up to date, and gives a reference to the publications of this Department in which the Acts have been or will hereafter be reprinted.

Certain Acts which are of a purely private character, or are now only in force in so limited an area that their re-publication is considered unnecessary, are noted as "not reprinted."

6. In passing this volume through the Press I have had the zealous assistance of Mr. J. S. W. Young-Craig of this Department.

7. This volume has been corrected up to the 1st March, 1889.

C. H. OERTEL,

Offg. Depy. Secy. to the Govt. of India,
Legislative Department.

CALCUTTA;
The 2nd March, 1889.

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CHRONOLOGICAL TABLE OF ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

1885—1888.

[NOTE.—In the case of Acts which have been wholly repealed or spent, or which have expired, the entries in the third and fourth columns are printed in italics.]

Year.	Number.	Subject or short title.	Repeals, amendments and references.	Page.
1885	I	Steam-boilers and Prime-movers (Burma) . .	Printed, Burma Code.	
„	II	Negotiable Instruments .	Printed, General Acts . .	1
„	III	Transfer of Property .	Printed, General Acts . .	3
„	IV	Additional Judicial Commissioner (Oudh) .	Printed, Oudh Code.	
„	V	Amending Indian Ports Act (XII of 1875) .	Printed, General Acts . .	4
„	VI	Amending Excise Act (XXII of 1881).	Printed, N.-W. Provinces Code. Punjab Code. Oudh Code. C. Provinces Code. Burma Code. Coorg Code. Ajmere Code.	
„	VII	Pánch Mahále Laws .	Printed, Bombay Code.	
„	VIII	Tenancy (Bengal) .	Amended, VIII of 1886. Printed, Bengal Code.	
„	IX	Amending Tariff Act (XI of 1882), Excise Act (XXII of 1881), Bengal Excise Act (Ben. Act VII of 1878), and Sea Customs Act (VIII of 1878) . . .	Printed, General Acts . .	5
„	X	Amending Oudh Estates Act (I of 1869) . .	Printed, Oudh Code.	
„	XI	*Amending Burma Municipal Act (XVII of 1884)* . . .	*Rep., XIX of 1888.*	

Year.	Number	Subject or short title.	Repeals, amendments and references.	Page.
1885	XII	Sea passengers . .	Printed, General Acts . .	6
"	XIII	Telegraphs . .	Amended, XI of 1888. Printed, General Acts . .	10
"	XIV	*Amending Burma Courts Act (XVII of 1875), and Code of Civil Procedure (XIV of 1882) . .	Printed, Burma Code.	
"	XV	Amending Local Authorities Loan Act (XI of 1879) . . .	Printed, General Acts . .	21
"	XVI	Civil Courts, Central Provinces	Printed, C. Provinces Code.	
"	XVII	Government Wards, Central Provinces . .	Printed, C. Provinces Code.	
"	XVIII	Land Acquisition (Mines) .	Printed, General Acts . .	22
"	XIX	*Indian Securities* . .	*Rep., XIII of 1886.*	
"	XX	*Postponing temporarily the operation of certain provisions of the Bengal Tenancy Act (VIII of 1885)* . .	*Spent.*	
"	XXI	Civil Courts, Madras .	Printed, Madras Code.	
1886	I	Lahore Tramways . .	Printed, Punjab Code.	
"	II	Income-tax . . .	Printed, General Acts . .	27
"	III	Amending Ferries Act (XVII of 1878).	Printed, N.-W. Provinces Code. Punjab Code. Oudh Code. C Provinces Code. Ajmere Code. Assam Supplement to Bengal Code.	
"	IV	Amending Contract Act (IX of 1872), section 265	Printed, General Acts . .	49
"	V	Mirzapur Stone Mahal .	Printed, N.-W. Provinces Code.	
"	VI	Births, Deaths and Marriages Registration	Printed, General Acts . .	49
"	VII	Registration . . .	Printed, General Acts . .	62

* This Act will be repealed by the new Lower Burma Courts Bill now before the Council of the Governor General.

Year.	Number.	Subject or short title.	Repeals, amendments and references.	Page.
1886	VIII	Amending Bengal Tenancy Act (VIII of 1885) .	Printed, Bengal Code.	
"	IX	Deo Estate (Bengal) .	Not reprinted.	
"	X	Amending Code of Criminal Procedure (Act X of 1882), Penal Code (Act XLV of 1860), Prisoners Act (V of 1871), and other Acts . . .	Printed, General Acts . .	63
"	XI	Tramways . . .	Printed, General Acts . .	70
"	XII	Petroleum . . .	Printed, General Acts . .	94
"	XIII	Securities . . .	Printed, General Acts . .	110
"	XIV	Rent, North-Western Provinces . . .	Printed, N.-W. Provinces Code.	
"	XV	Land-revenue, North-Western Provinces . .	Printed, N.-W. Provinces Code.	
"	XVI	*Lower Burma Gaols Delivery* . . .	*Expired on 30th June, 1887*	
"	XVII	Jhansi and Morar . .	Printed, N.-W. Provinces Code.	
"	XVIII	Amending Lunatic Asylums Act (XXXVI of 1858) . . .	Printed, General Acts . .	114
"	XIX	Discharge by Lieutenant-Governor, North-Western Provinces, of certain functions of Governor General in Council .	Printed, N.-W. Provinces Code.	
"	XX	Upper Burma Laws	Amended, Reg. X of 1887, ss. 2 and 5. Supplemented, XV of 1888. Printed, Burma Code.	
"	XXI	Oudh Wasikas . .	Printed, Oudh Code.	
"	XXII	Oudh Rent . . .	Printed, Oudh Code.	
"	XXIII	Amending Dekkhan Agriculturists' Relief Acts, 1879 to 1882 . . .	Printed, Bombay Code.	
"	XXIV	Glanders and Farcy (extending Act XX of 1879 to Bombay Presidency).	Printed, Bombay Code.	
1887	I	General Clauses . .	Printed, General Acts . .	116

Year	Number.	Subject or short title.	Repeals, amendments and references.	Page.
1887	II	Amending Sea Customs Act (VIII of 1878), Excise Act (XXII of 1881) and Indian Tariff Act (XI of 1882) . .	Printed, General Acts . .	119
"	III	Amending Indian Evidence Act (I of 1872) . .	Printed, General Acts . .	122
"	IV	Indian Museum (Calcutta)	Printed, Bengal Code.	
"	V	Amending Code of Criminal Procedure (X of 1882) . . .	Printed, General Acts . .	122
"	VI	Amending Indian Companies Act (VI of 1882).	Printed, General Acts . .	123
"	VII	Suits Valuation . .	Printed, General Acts . .	124
"	VIII	*Abolishing Military Courts of Requests* .	*Spent.*	
"	IX	Provincial Small Cause Courts.	Rep., in part, X of 1888. Printed, General Acts . .	126
"	X	Native Passenger Ships .	Printed, General Acts . .	141
"	XI	Sind-Pishin Railway .	Not reprinted.	
"	XII	Civil Courts in Bengal, North-Western Provinces and Assam.	Printed, Bengal Code. N.-W. Provinces Code.	
"	XIII	Electricity . . .	Printed, General Acts . .	157
"	XIV	Indian Marine .	Amended, XVII of 1888. Printed, General Acts . .	159
"	XV	Burma Military Police .	Printed, Burma Code.	
"	XVI	Punjab Tenancy .	Extended to Hazára with modifications, Reg XIII of 1887. Printed, Punjab Code.	
"	XVII	Punjab Land-revenue .	Printed, Punjab Code.	
"	XVIII	Allahabad University .	Printed, N.-W. Provinces Code.	
"	XIX	Administration of Estate of late King of Oudh.	Supplemented, XIV of 1888. Not reprinted.	
"	XX	Protection of wild birds and other game . .	Printed, General Acts . .	185

Year	Number	Subject or short title.	Repeals, amendments and references.	Page.
1887	XXI	Inland Bonded Warehouses	Printed, General Acts . .	186
1888	I	Stamps (amending Act I of 1879) . . .	Printed, General Acts . .	187
,,	II	Customs-duty on Petroleum (amending Act XI of 1882)	Printed, General Acts . .	190
,,	III	Police (amending Acts XXIV of 1859 and V of 1861 and Bombay Act VII of 1867) . .	Printed, General Acts . .	191
,,	IV	Indian Reserve Forces .	Printed, General Acts . .	193
,,	V	Inventions and Designs .	Printed, General Acts . .	194
,,	VI	Imprisonment for Debt .	Printed, General Acts . .	220
,,	VII	Amending Code of Civil Procedure, Registration and Limitation Acts .	Printed, General Acts . .	223
,,	VIII	Tolls	Printed, General Acts . .	240
,,	IX	*Repealing Contagious Diseases Acts* . .	*Spent.*	
,,	X	Amending Code of Civil Procedure and Presidency Small Cause Courts Act, 1882 . .	Printed, General Acts . .	241
,,	XI	Telegraphs (amending Act XIII of 1885) . .	Printed, General Acts . .	247
,,	XII	Supplementing the Bombay and Calcutta Municipal Acts.	Printed, Bombay Code. Bengal Code.	
,,	XIII	Punjab Courts (amending Act XIII of 1884) .	Printed, Punjab Code.	
,,	XIV	Administration of Estate of late King of Oudh .	Not reprinted.	
,,	XV	Shan States (supplementing Act XX of 1886) .	Printed; Burma Code.	
,,	XVI	*Repealing Act VII of 1867, and Madras Regulation XIV of 1832.*	*Spent.*	
,,	XVII	Indian Marine (amending Act XIV of 1887) .	Printed, General Acts . .	247

Year.	Number.	Subject or short title.	Repeals, amendments and references.	Page.
1888	XVIII	Financial Commissioner, Burma . . .	Printed, Burma Code.	
„	XIX	Burma Municipalities (amending Act XVII of 1881) . . .	Printed, Burma Code.	

THE

UNREPEALED GENERAL ACTS

OF

THE GOVERNOR GENERAL IN COUNCIL.

ACT No. II OF 1885.[a]

Received the Governor General's assent on the 30th January, 1885.

An Act to amend the Negotiable Instruments Act, 1881.

XXVI of 1881.

WHEREAS it is expedient to amend the Negotiable Instruments Act, 1881, in manner hereinafter appearing; It is hereby enacted as follows:—

Short title.

1. This Act may be called the Negotiable Instruments Act, 1885.

Amendment of section 7, Act XXVI of 1881.

XXVI of 1881.

2. In the fourth paragraph of section 7 of the Negotiable Instruments Act, 1881, for the words "When acceptance is refused and the bill is protested for non-acceptance" the following shall be substituted, namely:—"When bill of exchange has been noted or protested for non-acceptance or for better security".

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New section inserted after section 45 of the same Act.

3. After section 45 of the same Act the following shall be inserted:—

Holder's right to duplicate of lost bill.

"45A. Where a bill of exchange has been lost before it is over-due, the person who was the holder of it may apply to the drawer to give him another bill of the same tenor, giving security to the drawer, if required, to indemnify him against all persons whatever in case the bill alleged to have been lost shall be found again.

"If the drawer on request as aforesaid refuses to give such duplicate bill, he may be compelled to do so."

Addition to sections 61 and 64 of the same Act.

4. To section 61, and the first paragraph of section 64, of the same Act, the following shall be added:—

"Where authorised by agreement or usage, a presentment through the post office by means of a registered letter is sufficient."

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[a] This Act has been declared in force in the town of Mandalay by Act XX of 1886, s. 6 (*1*).

Addition to section 101 of the same Act.

5. To section 101 of the same Act the following shall be added :—

"A notary public may make the demand mentioned in clause (*c*) of this section either in person or by his clerk or, where authorised by agreement or usage, by registered letter."

Section inserted after section 104 of the same Act.

6. After section 104 of the same Act the following shall be inserted :—

When noting equivalent to protest.

"104A. For the purposes of this Act, where a bill or note is required to be protested within a specified time or before some further proceeding is taken, it is sufficient that the bill has been noted for protest before the expiration of the specified time or the taking of the proceeding; and the formal protest may be extended at any time thereafter as of the date of the noting."

Section 108 of the same Act, in part, repealed.

7. In the same Act, section 108, the second sentence is repealed.

Amendment of section 109 of same Act.

8. In the same Act, section 109,

(*a*) for the words "in the presence of a notary public subscribe the bill with his own hand and" the following shall be substituted, namely :—"by writing on the bill under his hand"; and

(*b*) the last twelve words are repealed.

Amendment of section 113 of same Act.

9. In the same Act, section 113, after the words "the person so paying" the words "or his agent in that behalf" shall be inserted.

New chapter added to same Act.

10. After Chapter XVI of the same Act, the following shall be inserted :—

"CHAPTER XVII.

"NOTARIES PUBLIC.

Power to to appoint notaries public.

"138. The Governor General in Council may, from time to time, by notification in the official Gazette, appoint any person, by name or by virtue of his office, to be a notary public under this Act and to exercise his functions as such within any local area, and may, by like notification, remove from office any notary public appointed under this Act.

Power to make rules for notaries public.

"139. The Governor General in Council may, from time to time, by notification in the official Gazette, make rules consistent with this Act for the guidance and control of notaries public appointed under this Act, and may, by such rules (among other matters), fix the fees payable to such notaries."

ACT No. III OF 1885.

Received the Governor General's assent on the 30th January, 1885.

An Act to amend the Transfer of Property Act, 1882.

IV of 1882. WHEREAS it is expedient to amend the Transfer of Property Act, 1882; It is hereby enacted as follows :—

Amendment of section 1 of Act IV of 1882.

1. For the fifth clause of section 1 of the said Act the following shall be substituted, namely :—

"And any Local Government may, with the previous sanction of the Governor General in Council, from time to time, by notification in the local official Gazette, exempt, either retrospectively or prospectively, any part of the territories administered by such Local Government from all or any of the following provisions, namely :—

"Sections 54, paragraphs 2 and 3, 59, 107 and 123."

Addition to same section.

2. The following clause shall be deemed to have been added to the first section of the said Act from the date on which it came into force, namely :—

"Notwithstanding anything in the foregoing part of this section, sections 54, paragraphs 2 and 3, 59, 107 and 123 shall not extend or be extended to any district or tract of country for the time being excluded from the operation of the Indian Registration Act, 1877, under the power conferred by the first section of that Act or otherwise."

III of 1877.

Addition to section 4 of same Act.

3. To section 4 of the said Act the following shall be added, namely :—

"And sections 54, paragraphs 2 and 3, 59, 107 and 123 shall be read as supplemental to the Indian Registration Act, 1877."

Addition to section 6 of same Act.

4. To section 6 of the said Act the following clause shall be added :—

"(*i*) Nothing in this section shall be deemed to authorize a tenant having an untransferable right of occupancy, the farmer of an estate in respect of which default has been made in paying revenue or the lessee of an estate under the management of a Court of Wards to assign his interest as such tenant, farmer or lessee."

Amendment of section 69 of same Act.

5. In section 69 of the said Act—

(*a*) after the words "is valid in the following cases" the words "and in no others" shall be inserted; and

(*b*) after the words "Hindu, Muhammadan or Buddhist", in both places where they occur, there shall be inserted the words "or a member

of any other race, sect, tribe or class from time to time specified in this behalf by the Local Government, with the previous sanction of the Governor General in Council, in the local official Gazette."

ACT No. V OF 1885.

Received the Governor General's assent on the 6th February, 1885.

An Act to amend the Indian Ports Act, 1875.

WHEREAS it is expedient to amend the Indian Ports Act, 1875, in manner hereinafter appearing; It is hereby enacted as follows:— XII of 1875.

Amendment of section 42 of the Indian Ports Act, 1875.

1. In section 42 of the said Act, for the words "Conservator of every port to which such order relates, and in the custom-house, if any, of every port subject to this Act" the following shall be substituted, namely:—"Conservator, and at the custom-house, if any, of every port to which such order relates."

Addition to section 47 of the same Act.

2. To the fourth paragraph of section 47 of the said Act the following shall be added, namely:—"The expenses aforesaid shall also include the pensions, allowances and gratuities of persons who have been employed under this Act in the port, or such portion of those pensions, allowances and gratuities as the Local Government may by rule determine."

Further addition to the same section.

3. After the fifth paragraph of the same section the following shall be inserted and shall be deemed to have been inserted from the date on which the said Act came into force, namely:—"With the previous sanction of the Local Government the authorities of any port may, from time to time, contribute a sum from the Port Fund Account of that port for all or any of the purposes mentioned in section 60.

"The sum so contributed shall, if, and so long as, the Local Government so directs, be in substitution of any hospital port-dues imposed under section fifty-nine at that port."

Addition to paragraph 3, section 59, of the same Act.

4. To the third paragraph of section 59 of the same Act the following shall be added, namely:—"The Local Government may, from time to time, by notification in the official Gazette, cancel any such order."

Amendment of Schedule I, Part II, of the same Act

5. In the entry relating to the Cuttack ports in Part II of the First Schedule of the same Act, for the words "not exceeding six annas per hundred maunds" the following shall be substituted, namely:—"Not exceeding four annas per ton".

ACT No. IX of 1885.*

Received the Governor General's assent on the 29th May, 1885.

AN Act to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend the Excise Act, 1881, the Bengal Excise Act, 1878, and the Sea Customs Act, 1878.

XI of 1882. XXII of 1881. Ben. Act VII of 1878. VIII of 1878.

WHEREAS it is expedient to repeal part of section 6 of the Indian Tariff Act, 1882, and to amend section 7 of the Excise Act, 1881, section 18 of the Bengal Excise Act, 1878, and sections 145, 149 and 207 of the Sea Customs Act, 1878, in manner hereinafter appearing; It is hereby enacted as follows :—

XI of 1882.

1. The part of section 6 of the Indian Tariff Act, 1882, beginning with the words "And whereas" down to and including the words "been paid" is repealed.

Repeal of part of section 6 of Act XI of 1882.

XXII of 1881.

2. For clause (*a*) of section 7 of the Excise Act, 1881, the following clause shall be substituted :—

"(*a*) such duty as the Local Government may from time to time fix in respect of such spirit has been paid, or".

Amendment of section 7 of Act XXII of 1881.

Ben. Act VII of 1878.

3. In section 18 of the Bengal Excise Act, 1878, for the words "at the rate leviable under any Tariff Act for the time being in force" the words "at such rate as the Local Government may from time to time fix in respect of such spirituous liquor" shall be substituted; but nothing in this section shall affect any Act passed after this Act comes into force by the Lieutenant-Governor of Bengal in Council.

Amendment of section 18 of Ben. Act VII of 1878.

XI of 1882. XXII of 1881. Ben. Act VII of 1878.

4. The duty now fixed by the Local Government under section 6 of the Indian Tariff Act, 1882, as leviable on spirit manufactured in all or any of the distilleries situate in the territories under its administration, or in any part of such territories, shall, in places in which the Excise Act, 1881, or the Bengal Excise Act, 1878, is in force, be deemed to be the duty fixed by the Local Government under sections 7 and 18 of those Acts, as amended by this Act, respectively.

Saving of duties already fixed under section 6 of Act XI of 1882.

VIII of 1878.

5. (*1*) In section 145 of the Sea Customs Act, 1878, after the word "shall" the words "except when provision is made by any enactment for the time being in force for its being intermediately deposited in a licensed warehouse" shall be inserted.

Amendment of sections 145 and 149 of Act VIII of 1878.

(*2*) In section 149 of the same Act, after the words "custom-house" the

* Ss. 1, 3 and 4 of this Act have been declared in force in the Sonthal Pergunnahs by Reg. III of 1872, s. 3, as amended by Reg. III of 1886, s. 2.

words "or to a warehouse licensed under any enactment for the time being in force" shall be inserted.

Amendment of section 207 of the same Act.

6. In section 207 of the same Act, for the word "respectively" the words "or any like body hereafter created for any other port" shall be substituted.

ACT No. XII OF 1885.

Received the Governor General's assent on the 22nd July, 1885.

An Act to amend the law relating to the carriage of passengers by sea.

WHEREAS by section 99 of an Act of the Imperial Parliament called "The Passengers Act, 1855," it is enacted that "it shall be lawful for the Governor General of India in Council, from time to time, by any Act or Acts to be passed for that purpose, to declare that this Act or any part thereof shall apply to the carriage of passengers upon any voyage, from any ports or places within the territories of British India, to be specified in such Act or Acts, to any other places whatsover, to be also specified in such Act or Acts;" and it is thereby also enacted that "on the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such parts of this Act as shall be adopted therein shall apply to and extend to the carriage of passengers upon such voyages as in the said Indian Act or Acts shall be specified. The provisions of such Indian Act shall be enforced in all Her Majesty's possessions in like manner as the provisions of this Act may be enforced;" 18 & 19 Vict., c. 119.

And whereas certain parts of the said Act of Parliament were by Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) made applicable to the carriage of passengers upon certain specified voyages;

And whereas by an Act of the Imperial Parliament called "The Passengers Act Amendment Act, 1863," certain parts of the Passengers Act, 1855, which were so made applicable, have been amended, and it is provided that the said Acts of the Imperial Parliament shall be construed together as one Act; 26 & 27 Vict., c. 51. 18 & 19 Vict., c. 119.

And whereas it is expedient that the amendments so made in the Passengers Act, 1855, should also be made in the parts of that Act so made applicable, and it is also expedient to apply those parts so amended to the carriage of passengers upon certain voyages not specified in Act II of 1860;

It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Sea Passengers Act, 1885; and

(*2*) It shall come into force on the first day of October, 1885.

2. On and from the day on which this Act comes into force, Act II of 1860 (*to amend the law relating to the carriage of passengers by sea*) shall be repealed.

Repeal of Act II of 1860.

3. The provisions contained in sections 4, 5 and 6 of this Act, and the schedule hereto annexed (being parts of the Passengers Act, 1855, as amended by the Passengers Act Amendment Act, 1863), are declared applicable to the carriage of passengers upon the following voyages, namely :—

18 & 19 Vict., c. 119.
26 & 27 Vict., c. 51.

Certain provisions of the Statutes made applicable to specified voyages from India.

(*a*) voyages from the ports of Calcutta, Madras and Bombay to the British Colonies of Mauritius, Jamaica, British Guiana, Trinidad, St. Lucia, Grenada, St. Vincent, Natal, St. Kitts, Nevis and Fiji;

(*b*) voyages from the ports of Calcutta, Madras and Bombay to the French Colonies of Réunion, Martinique, Guadeloupe and its dependencies, and Guiana;

(*c*) voyages from the ports of Calcutta, Madras and Bombay to the Netherlands colony of Dutch Guiana;

(*d*) voyages from the ports of Calcutta, Madras and Bombay to the Danish colony of St. Croix;

VIII of 1876.

(*e*) voyages under the Native Passenger Ships Act, 1876, from Calcutta, Madras, Bombay, Karáchi, Rangoon and other ports in British India to the Straits Settlements, to the protected Native States adjoining the Straits Settlements, to Australia, and to ports in the Red Sea, Gulf of Aden or Persian Gulf and on the East Coast of Africa.

4. If the passengers or cabin-passengers upon any such voyage as is specified in the last preceding section are taken off from the ship carrying them or are picked up at sea from any boat, raft or otherwise, it shall be lawful, if the port or place to which they are conveyed is in any of Her Majesty's colonial possessions, for the Governor of such colony, or for any person authorized by him for the purpose, or, if in any foreign country, for Her Majesty's Consular Officer at such port or place therein, to defray all or any part of the expenses thereby incurred.

Governors or Consuls may pay expenses of passengers taken off passenger-ship.

5. If any passenger or cabin-passenger of any such passenger-ship as aforesaid, without any neglect or default of his own, finds himself within any colonial or foreign port or place other than that for which the ship was originally bound, or at which he, or the Emigration Agent, or any public officer or other person on his behalf, has contracted that he should land, it shall be lawful for the Governor of the colony, or for any person authorized by him for the pur-

Governors or Consuls may send on passengers, if the master of the ship fail to do so.

pose, or for Her Majesty's Consular Officer at the foreign port or place, as the case may be, to forward the passenger or cabin-passenger to his intended destination, unless the master of the ship, within forty-eight hours of the arrival of such passenger or cabin-passenger, gives to the Governor or Consular Officer, as the case may be, a written undertaking to forward or carry on within six weeks thereafter the passenger or cabin-passenger to his original destination, and unless the master accordingly forwards or carries him on within that period.

Expenses incurred under sections 4 and 5 to be a Crown debt.

6. (*1*) All expenses incurred under the last two preceding sections, or either of them, by or by the authority of a Governor or Consular Officer, or other person as therein respectively mentioned, including the cost of maintaining the passengers and cabin-passengers until forwarded to their destination, and of all necessary bedding, provisions and stores, shall become a debt to Her Majesty and Her successors from the owner, charterer and master of the ship, and shall be recoverable from them, or from any one or more of them, at the suit and for the use of Her Majesty, in like manner as in the case of other Crown debts.

(*2*) A certificate in the form given in the schedule hereto annexed, or as near thereto as the circumstances of the case will admit, purporting to be under the hand of any such Governor or Consular Officer (as the case may be), stating the total amount of the expenses, shall, in any suit or other proceeding for the recovery of the debt, be received in evidence without proof of the handwriting or of the official character of the Governor or Consular Officer, and shall be deemed sufficient evidence of the amount of the expenses, and that the same were duly incurred;

nor shall it be necessary to adduce on behalf of Her Majesty any other evidence in support of the claim, but judgment shall pass for the Crown, with costs of suit, unless the defendant specially pleads and duly proves that the certificate is false or fraudulent, or specially pleads and duly proves any facts showing that the expenses were not duly incurred:

Provided, nevertheless, that in no case shall any larger sum be recovered on account of the expenses than a sum equal to twice the total amount of passage-money received or due to and recoverable by or on account of the owner, charterer or master of the passenger-ship or any of them from or on account of the whole number of passengers and cabin-passengers who may have embarked in the ship; which total amount of passage-money shall be proved by the defendant if he will have the advantage of this limitation of the debt; but if any such passengers are forwarded or conveyed to their intended destination under the provisions of the last preceding section, they shall not be en-

titled to the return of their passage-money, or to any compensation for loss of passage.

7. No policy of assurance effected in respect of any passages or of any passage or compensation money by any person by this Act made liable in the events aforesaid to provide those passages or to pay that money, or in respect of any other risk under this Act, shall be deemed invalid by reason of the nature of the risk or interest sought to be covered by the policy of assurance. Insurance.

THE SCHEDULE.

Form of Governor's or Consul's Certificate of Expenditure in the case of Passengers shipwrecked, &c.

(*See section 6.*)

I hereby certify that acting under, and in conformity with, the provisions of the Indian Sea Passengers Act, 1885, I have defrayed the expenses incurred in rescuing, maintaining, supplying with necessary bedding, provisions and stores (*a*), and in forwarding to their destination

passengers [including

cabin-passengers (*b*),] who were proceeding from , to in the passenger-ship which was wrecked at sea, &c (*c*)

And I further certify, for the purposes of the sixth section of the said Indian Sea Passengers Act, 1885, that the total amount of such expenses is ,
and that such expenses were duly incurred by me under the said Act.

Given under my hand this day of , 18

Governor of, &c. (or, as the case may be)
Her Britannic Majesty's Consul at

(*a*) *N.B.*—1. If more passengers were rescued than forwarded, or if bedding, &c., was not supplied, alter the certificate to suit the facts of the case.

(*b*) *N.B.*—2. Omit words in brackets when necessary.

(*c*) *N.B.*—3. State generally the nature of the disaster and where it occurred. But if the passengers were only left behind without any default of their own, state the fact accordingly.

THE INDIAN TELEGRAPH ACT, 1885.

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ACT No. XIII OF 1885.

Received the Governor General's assent on the 22nd July, 1885.

An Act to amend the law relating to Telegraphs in India.

WHEREAS it is expedient to amend the law relating to telegraphs in India; It is hereby enacted as follows :—

PART I.

PRELIMINARY.

1. (*1*) This Act may be called the Indian Telegraph Act, 1885. Short title, local extent

* This Act has been declared in force in Upper Burma (except the Shan States) by Act XX of 1886, s. 6 (*1*), and in the Sonthal Pergunnahs by Reg. III of 1872, s. 3, as amended by Reg. III of 1886, s. 2.

and commencement.

(*2*) It extends to the whole of British India, and, so far as regards subjects of Her Majesty, to the dominions of Princes and States in India in alliance with Her Majesty; and

(*3*) It shall come into force on the first day of October, 1885.

Repeal and savings.

2. The Indian Telegraph Act, 1876, is hereby repealed. I of 1876.

But all licenses granted and rules made under that Act or any Act thereby repealed, and now in force, shall, so far as they could be granted or made under this Act, be deemed to have been respectively granted and made hereunder.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "telegraph" means an electric, galvanic or magnetic telegraph, and includes appliances and apparatus for transmitting or making telegraphic, telephonic or other communications by means of electricity, galvanism or magnetism:

(*2*) "telegraph officer" means any person employed either permanently or temporarily in connection with a telegraph established, maintained or worked by the Government or by a person licensed under this Act:

(*3*) "message" means any communication sent by telegraph, or given to a telegraph officer to be sent by telegraph or to be delivered:

(*4*) "telegraph line" means a wire or wires used for the purpose of a telegraph, with any casing, coating, tube or pipe enclosing the same, and any appliances and apparatus connected therewith for the purpose of fixing or insulating the same:

(*5*) "post" means a post, pole, standard, stay, strut or other above-ground contrivance for carrying, suspending or supporting a telegraph line:

(*6*) "telegraph authority" means the Director General of Telegraphs, and includes any officer empowered by him to perform all or any of the functions of the telegraph authority under this Act:

(*7*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund.

PART II.

Privileges and Powers of the Government.

Exclusive privilege in respect of

4. Within British India, the Governor General in Council shall have the exclusive privilege of establishing, maintaining and working telegraphs:

Provided that the Governor General in Council may grant a license, on such conditions and in consideration of such payments as he thinks fit, to any person to establish, maintain or work a telegraph within any part of British India.

telegraphs, and power to grant licenses.

5. (*1*) On the occurrence of any public emergency, or in the interest of the public safety, the Governor General in Council or a Local Government, or any officer specially authorized in this behalf by the Governor General in Council, may—

Power for Government to take possession of licensed telegraphs and to order interception of messages.

(*a*) take temporary possession of any telegraph established, maintained or worked by any person licensed under this Act; or

(*b*) order that any message or class of messages to or from any person, or class of persons or relating to any particular subject, brought for transmission by, or transmitted or received by, any telegraph, shall not be transmitted, or shall be intercepted or detained, or shall be disclosed to the Government or an officer thereof mentioned in the order.

(*2*) If any doubt arises as to the existence of a public emergency, or whether any act done under sub-section (*1*) was in the interest of the public safety, a certificate signed by a Secretary to the Government of India or to the Local Government shall be conclusive proof on the point.

6. Any Railway Company, on being required so to do by the Governor General in Council, shall permit the Government to establish and maintain a telegraph upon any part of the land of the Company, and shall give every reasonable facility for working the same.

Power to establish telegraph on land of Railway Company.

7. (*1*) The Governor General in Council may, from time to time, by notification in the Gazette of India, make rules consistent with this Act for the conduct of all or any telegraphs established, maintained or worked by the Government or by persons licensed under this Act.

Power to make rules for the conduct of telegraphs.

(*2*) Rules under this section may provide for all or any of the following, among other matters, that is to say :—

(*a*) the rates at which, and the other conditions and restrictions subject to which, messages shall be transmitted;

(*b*) the precautions to be taken for preventing the improper interception or disclosure of messages;

(*c*) the period for which, and the conditions subject to which, telegrams and other documents belonging to, or being in the custody of, telegraph officers shall be preserved; and

(*d*) the fees to be charged for searching for telegrams or other documents in the custody of any telegraph officer.

(*3*) When making rules for the conduct of any telegraph established, maintained or worked by any person licensed under this Act, the Governor General in Council may by the rules prescribe fines for any breach of the same:

Provided that the fines so prescribed shall not exceed the following limits, namely:—

(i) when the person licensed under this Act is punishable for the breach, one thousand rupees, and in the case of a continuing breach a further fine of two hundred rupees for every day after the first during the whole or any part of which the breach continues;

(ii) when a servant of the person so licensed, or any other person, is punishable for the breach, one-fourth of the amounts specified in clause (i).

Revocation of licenses.

8. The Governor General in Council may, at any time, revoke any license granted under section 4, on the breach of any of the conditions therein contained, or in default of payment of any consideration payable thereunder.

Government not responsible for loss or damage.

9. The Secretary of State for India in Council shall not be responsible for any loss or damage which may occur in consequence of any telegraph officer failing in his duty with respect to the receipt, transmission or delivery of any message; and no such officer shall be responsible for any such loss or damage, unless he causes the same negligently, maliciously or fraudulently.

PART III.

POWER TO PLACE TELEGRAPH LINES AND POSTS.

Power for telegraph authority to place and maintain telegraph lines and posts.

10.[a] The telegraph authority may, from time to time, place and maintain a telegraph line under, over, along or across, and posts in or upon, any immovable property:

Provided that—

(*a*) the telegraph authority shall not exercise the powers conferred by this section except for the purposes of a telegraph established or maintained by the Government, or to be so established or maintained;

(*b*) the Government shall not acquire any right other than that of user only in the property under, over, along, across, in or upon which the telegraph authority places any telegraph line or post; and,

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[a]For power of Governor General in Council to confer upon any public officer any of the powers of the telegraph authority with respect to the placing of lines and posts, see Act XIII of 1887, s. 6. *infra*, p. 159.

(*c*) except as hereinafter provided, the telegraph authority shall not exercise those powers in respect of any property vested in or under the control or management of any local authority, without the permission of that authority; and

(*d*) in the exercise of the powers conferred by this section, the telegraph authority shall do as little damage as possible, and, when it has exercised those powers in respect of any property other than that referred to in clause (*c*), shall pay full compensation to all persons interested for any damage sustained by them by reason of the exercise of those powers.

Power to enter on property in order to repair or remove telegraph lines or posts.

11. The telegraph authority may, at any time, for the purpose of examining, repairing, altering or removing any telegraph line or post, enter on the property under, over, along, across, in or upon which the line or post has been placed.

Provisions applicable to Property vested in or under the Control or Management of Local Authorities.

Power for local authority to give permission under section 10, clause (*c*), subject to conditions.

12. Any permission given by a local authority under section 10, clause (*c*), may be given subject to such reasonable conditions as that authority thinks fit to impose, as to the payment of any expenses to which the authority will necessarily be put in consequence of the exercise of the powers conferred by that section, or as to the time or mode of execution of any work, or as to any other thing connected with or relative to any work undertaken by the telegraph authority under those powers.

Power for local authority to require removal or alteration of telegraph line or post.

13. When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property vested in or under the control or management of a local authority, and the local authority, having regard to circumstances which have arisen since the telegraph line or post was so placed, considers it expedient that it should be removed or that its position should be altered, the local authority may require the telegraph authority to remove it or alter its position, as the case may be.

Power to alter position of gas or water pipes or drains.

14. The telegraph authority may, for the purpose of exercising the powers conferred upon it by this Act in respect of any property vested in or under the control or management of a local authority, alter the position thereunder of any pipe (not being a main) for the supply of gas or water, or of any drain (not being a main drain):

Provided that—

(*a*) when the telegraph authority desires to alter the position of any such

pipe or drain it shall give reasonable notice of its intention to do so, specifying the time at which it will begin to do so, to the local authority, and, when the pipe or drain is not under the control of the local authority, to the person under whose control the pipe or drain is;

(*b*) a local authority or person receiving notice under clause (*a*) may send a person to superintend the work, and the telegraph authority shall execute the work to the reasonable satisfaction of the person so sent.

Disputes between telegraph authority and local authority.

15. (*1*) If any dispute arises between the telegraph authority and a local authority in consequence of the local authority refusing the permission referred to in section 10, clause (*c*), or prescribing any condition under section 12, or in consequence of the telegraph authority omitting to comply with a requisition made under section 13, or otherwise in respect of the exercise of the powers conferred by this Act, it shall be determined by such officer as the Local Government may appoint either generally or specially in this behalf.

(*2*) An appeal from the determination of the officer so appointed shall lie to the Local Government; and the order of the Local Government shall be final.

Provisions applicable to other Property.

Exercise of powers conferred by section 10, and disputes as to compensation, in case of property other than that of a local authority.

16. (*1*) If the exercise of the powers mentioned in section 10 in respect of property referred to in clause (*d*) of that section is resisted or obstructed, the District Magistrate may, in his discretion, order that the telegraph authority shall be permitted to exercise them.

(*2*) If, after the making of an order under sub-section (*1*), any person resists the exercise of those powers, or, having control over the property, does not give all facilities for their being exercised, he shall be deemed to have committed an offence under section 188 of the Indian Penal Code. XLV of 1860.

(*3*) If any dispute arises concerning the sufficiency of the compensation to be paid under section 10, clause (*d*), it shall, on application for that purpose by either of the disputing parties to the District Judge within whose jurisdiction the property is situate, be determined by him.

(*4*) If any dispute arises as to the persons entitled to receive compensation, or as to the proportions in which the persons interested are entitled to share in it, the telegraph authority may pay into the Court of the District Judge such amount as he deems sufficient or, where all the disputing parties have in writing admitted the amount tendered to be sufficient or the amount has been determined under sub-section (*3*), that amount; and the District Judge, after giving notice to the parties and hearing such of them as desire to be heard,

shall determine the persons entitled to receive the compensation or, as the case may be, the proportions in which the persons interested are entitled to share in it.

(*5*) Every determination of a dispute by a District Judge under sub-section (*3*) or sub-section (*4*) shall be final :

Provided that nothing in this sub-section shall affect the right of any person to recover by suit the whole or any part of any compensation paid by the telegraph authority, from the person who has received the same.

Removal or alteration of telegraph line or post on property other than that of a local authority.

17. (*1*) When, under the foregoing provisions of this Act, a telegraph line or post has been placed by the telegraph authority under, over, along, across, in or upon any property, not being property vested in or under the control or management of a local authority, and any person entitled to do so desires to deal with that property in such a manner as to render it necessary or convenient that the telegraph line or post should be removed to another part thereof or to a higher or lower level or altered in form, he may require the telegraph authority to remove or alter the line or post accordingly :

Provided that, if compensation has been paid under section 10, clause (*d*), he shall, when making the requisition, tender to the telegraph authority the amount requisite to defray the expense of the removal or alteration, or half of the amount paid as compensation, whichever may be the smaller sum.

(*2*) If the telegraph authority omits to comply with the requisition, the person making it may apply to the District Magistrate within whose jurisdiction the property is situate to order the removal or alteration.

(*3*) A District Magistrate receiving an application under sub-section (*2*) may, in his discretion, reject the same or make an order, absolutely or subject to conditions, for the removal of the telegraph line or post to any other part of the property or to a higher or lower level or for the alteration of its form ; and the order so made shall be final.

Provisions applicable to all Property.

Removal of trees interrupting telegraphic communication.

18. (*1*) If any tree standing or lying near a telegraph line interrupts, or is likely to interrupt, telegraphic communication, a Magistrate of the first or second class may, on the application of the telegraph authority, cause the tree to be removed or dealt with in such other way as he deems fit.

(*2*) When disposing of an application under sub-section (*1*), the Magistrate shall, in the case of any tree in existence before the telegraph line was placed, award to the persons interested in the tree such compensation as he thinks reasonable, and the award shall be final.

Telegraph

19. Every telegraph line or post placed before the passing of this Act

lines and posts placed before the passing of this Act.

under, over, along, across in or upon any property, for the purposes of a telegraph established or maintained by the Government, shall be deemed to have been placed in exercise of the powers conferred by, and after observance of all the requirements of, this Act.

PART IV.

PENALTIES.

Establishing, maintaining or working unlicensed telegraph or breaking condition of license.

20. If any person establishes, maintains or works a telegraph within British India, otherwise than as permitted by a license granted under section 4, or breaks any condition contained in such a license, he shall be punished with fine which may extend to one thousand rupees, and with a further fine which may extend to five hundred rupees for every week during which the line is maintained or worked or the breach of the condition continues.

Using such telegraphs.

21. If any person, knowing or having reason to believe that a telegraph has been established or is maintained or worked in contravention of this Act, transmits or receives any message by such telegraph, or performs any service incidental thereto, or delivers any message for transmission by such telegraph or accepts delivery of any message sent thereby, he shall be punished with fine which may extend to fifty rupees.

Opposing establishment of telegraphs on railway land.

22. If a Railway Company, or an officer of a Railway Company, neglects or refuses to comply with the provisions of section 6, it or he shall be punished with fine which may extend to one thousand rupees for every day during which the neglect or refusal continues.

Intrusion into signal-room, trespass in telegraph office or obstruction.

23. If any person—

(*a*) without permission of competent authority, enters the signal-room of a telegraph office of the Government, or of a person licensed under this Act, or

(*b*) enters a fenced enclosure round such a telegraph office in contravention of any rule or notice not to do so, or

(*c*) refuses to quit such room or enclosure on being requested to do so by any officer or servant employed therein, or

(*d*) wilfully obstructs or impedes any such officer or servant in the performance of his duty,

he shall be punished with fine which may extend to five hundred rupees.

Unlawfully attempting to learn contents of messages.

24. If any person does any of the acts mentioned in section 23 with the intention of unlawfully learning the contents of any message, or of committing any offence punishable under this Act, he may (in addition to the fine with which

he is punishable under section 23) be punished with imprisonment for a term which may extend to one year.

Intentionally damaging or tampering with telegraphs.

25. If any person, intending—

(*a*) to prevent or obstruct the transmission or delivery of any message, or

(*b*) to intercept or to acquaint himself with the contents of any message, or

(*c*) to commit mischief,

damages, removes, tampers with or touches any battery, machinery, telegraph line, post or other thing whatever, being part of or used in or about any telegraph or in the working thereof,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Telegraph officer or other official making away with or altering, or unlawfully intercepting or disclosing, messages, or divulging purport of signals.

26. If any telegraph officer, or any person, not being a telegraph officer but having official duties connected with any office which is used as a telegraph office,—

(*a*) wilfully secretes, makes away with or alters any message which he has received for transmission or delivery, or

(*b*) wilfully and otherwise than in obedience to an order of the Governor General in Council or of a Local Government, or of an officer specially authorized by the Governor General in Council to make the order, omits to transmit, or intercepts or detains, any message or any part thereof, or otherwise than in pursuance of his official duty or in obedience to the direction of a competent Court, discloses the contents or any part of the contents of any message, to any person not entitled to receive the same, or

(*c*) divulges the purport of any telegraphic signal to any person not entitled to become acquainted with the same,

he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Telegraph officer fraudulently sending messages without payment.

27. If any telegraph officer transmits by telegraph any message on which the charge prescribed by the Government, or by a person licensed under this Act, as the case may be, has not been paid, intending thereby to defraud the Government or that person, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Misconduct.

28. If any telegraph officer, or any person not being a telegraph officer but having official duties connected with any office which is used as a telegraph office, is guilty of any act of drunkenness, carelessness or other misconduct whereby the correct transmission or the delivery of any message is impeded or delayed, or if any telegraph officer loiters or delays in the trans-

mission or delivery of any message, he shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Sending fabricated message.

29. If any person transmits or causes to be transmitted by telegraph a message which he knows to be false or fabricated, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

Retaining a message delivered by mistake.

30. If any person fraudulently retains, or wilfully secretes, makes away with or detains a message which ought to have been delivered to some other person, or, being required by a telegraph officer to deliver up any such message, neglects or refuses to do so, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.

Bribery

31. A telegraph officer shall be deemed a public servant within the meaning of sections 161, 162, 163, 164 and 165 of the Indian Penal Code; and, in the definition of "legal remuneration" contained in the said section 161, the word "Government" shall, for the purposes of this Act, be deemed to include a person licensed under this Act. XLV of 1860.

Attempts to commit offences

32. Whoever attempts to commit any offence punishable under this Act shall be punished with the punishment herein provided for the offence.

PART V.

Supplemental Provision.

Power to employ additional police in places where mischief to telegraphs is repeatedly committed.

33. (*1*) Whenever it appears to the Local Government that any act causing or likely to cause wrongful damage to any telegraph is repeatedly and maliciously committed in any place, and that the employment of an additional police-force in that place is thereby rendered necessary, the Local Government may send such additional police-force as it thinks fit to the place, and employ the same therein so long as, in the opinion of that Government, the necessity of doing so continues.

(*2*) The inhabitants of the place shall be charged with the cost of the additional police-force, and the District Magistrate shall, subject to the orders of the Local Government, assess the proportion in which the cost shall be paid by the inhabitants according to his judgment of their respective means.

(*3*) All moneys payable under sub-section (*2*) shall be recoverable either under the warrant of a Magistrate by distress and sale of the moveable property of the defaulter within the local limits of his jurisdiction, or by suit in any competent Court.

(*4*) The Local Government may, by order in writing, define the limits of any place for the purposes of this section.

Application of Act to presidency-towns and Rangoon.

34.[a] (*1*) This Act, in its application to the presidency-towns, shall be read as if for the words "District Magistrate" in section 16, sub-section (*1*,) and section 17, sub-sections (*2*) and (*3*), for the words "Magistrate of the first or second class" in section 18, sub-section (*1*), and for the word "Magistrate" in section 18, sub-section (*2*), there had been enacted the words "Commissioner of Police," and for the words "District Judge" in section 16, sub-sections (*3*), (*4*) and (*5*), the words "Chief Judge of the Court of Small Causes."

(*2*) Section 16, in its application to the town of Rangoon, shall be read as if for the words "District Judge," whenever they occur in that section, there had been enacted the words "Judge of the Court of Small Causes."

(*3*) The fee in respect of an application to the Chief Judge of a Presidency Court of Small Causes under sub-section (*3*) of section 16 shall be the same as would be payable under the Court-fees Act, 1870, in respect of such an application to a District Judge beyond the limits of a presidency-town, and fees for summonses and other processes in proceedings before the Chief Judge under sub-section (*3*) or sub-section (*4*) of that section shall be payable according to the scale set forth in the fourth schedule to the Presidency Small Cause Courts Act, 1882.

VII of 1870.

XV of 1882.

ACT No. XV OF 1885.[b]

Received the Governor General's assent on the 2nd October, 1885.

An Act to amend the Local Authorities Loan Act, 1879.

XI of 1879.

WHEREAS it is expedient to amend the Local Authorities Loan Act, 1879; It is hereby enacted as follows:—

Addition to section 8, Act XI of 1879.

1. After clause (*b*) of the proviso to section 8 of the said Act the following shall be added:—

"or

"(*c*) to affect the power conferred on any local authority by any such enactment to charge its funds by guaranteeing the payment of interest on money to be applied to any purpose to which the funds of the local authority can legally be applied."

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[a] S. 34 has been added by Act XI of 1888—see *infra*, p. 247.

[b] This Act has been declared in force in the Sonthal Pergunnahs by Reg. III of 1872, s. 3, as amended by Reg. III of 1886, s. 2, and under s. 5 of the Scheduled Districts Act, 1874, it has been extended to Upper Burma (except the Shan States)—see Burma Gazette, 17th November, 1888, Pt. I, p. 544, and Gazette of India, 26th January, 1889, Pt. I, p. 51.

THE LAND ACQUISITION (MINES) ACT, 1885.

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ACT No, XVIII OF 1885.

Received the Governor General's assent on the 16th October, 1885.

An Act to provide for cases in which Mines or Mineralsare situate under land which it is desired to acquire under the Land Acquisition Act, 1870.

WHEREAS it is expedient to provide for cases in which mines or minerals are situate under land which it is desired to acquire under the Land Acquisition Act, 1870; It is hereby enacted as follows :— X of 1870.

Short title, commencement and local extent.

1. (*1*) This Act may be called the Land Acquisition (Mines) Act, 1885; and

(*2*) It shall come into force at once.

[a] This Act has been declared in force in the Sonthal Pergunnahs by Reg. III of 1872, s 3 as amended by Reg. III of 1886, s 2.

(*3*) It extends in the first instance to the territories administered by the Governor of Madras in Council and the Lieutenant-Governor of Bengal, but any other Local Government may, from time to time, by notification in the official Gazette, extend this Act to the whole or any specified part of the territories under its administration.

Saving for mineral rights of the Government.

2. Except as expressly provided by this Act, nothing in this Act shall affect the right of the Government to any mines or minerals.

Declaration that mines are not needed.

X of 1870.

3. (*1*) When the Local Government makes a declaration under section 6 of the Land Acquisition Act, 1870, that land is needed for a public purpose or for a Company, it may, if it thinks fit, insert in the declaration a statement that the mines of coal, iron-stone, slate or other minerals lying under the land or any particular portion of the land, except only such parts of the mines or minerals as it may be necessary to dig or carry away or use in the construction of the work for the purpose of which the land is being acquired, are not needed.

X of 1870.

(*2*) When a statement as aforesaid has not been inserted in the declaration made in respect of any land under section 6 of the Land Acquisition Act, 1870, and the Collector is of opinion that the provisions of this Act ought to be applied to the land, he may abstain from tendering compensation under section 11 of the said Land Acquisition Act in respect of the mines, and may—

(*a*) when he makes an award under section 14 of that Act, insert such a statement in his award;

(*b*) when he makes a reference to the Court under section 15 of that Act, insert such a statement in his reference; or

(*c*) when he takes possession of the land under section 17 of that Act, publish such a statement in such manner as the Governor General in Council may, from time to time, prescribe.

(*3*) If any such statement is inserted in the declaration, award or reference, or published as aforesaid, the mines of coal, iron-stone, slate or other minerals under the land or portion of the land specified in the statement, except as aforesaid, shall not vest in the Government when the land so vests under the said Act.

Notice to be given before working mines lying under land.

4. If the person for the time being immediately entitled to work or get any mines or minerals lying under any land so acquired is desirous of working or getting the same, he shall give the Local Government notice in writing of his intention so to do sixty days before the commencement of working.

Power to prevent or

5. (*1*) At any time or times after the receipt of a notice under the last foregoing section, and whether before or after the expiration of the said period

restrict working.

of sixty days, the Local Government may cause the mines or minerals to be inspected by a person appointed by it for the purpose; and

(*2*) If it appears to the Local Government that the working or getting of the mines or minerals, or any part thereof, is likely to cause damage to the surface of the land or any works thereon, the Local Government may publish in such manner as the Governor General in Council may, from time to time, direct, a declaration of its willingness, either—

(*a*) to pay compensation for the mines or minerals still unworked or ungotten, or that part thereof, to all persons having an interest in the same; or

(*b*) to pay compensation to all such persons in consideration of those mines or minerals, or that part thereof, being worked or gotten in such manner and subject to such restrictions as the Local Government may in its declaration specify.

(*3*) If the declaration mentioned in case (*a*) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person.

(*4*) If the declaration mentioned in case (*b*) is made, then those mines or minerals, or that part thereof, shall not thereafter be worked or gotten by any person save in the manner and subject to the restrictions specified by the Local Government.

Mode of determining persons interested and amount of compensation.

6. When the working or getting of any mines or minerals has been prevented or restricted under section 5, the persons interested in those mines or minerals and the amounts of compensation payable to them respectively shall, subject to all necessary modifications, be ascertained in the manner provided by the Land Acquisition Act, 1870, for ascertaining the persons interested in the land to be acquired under that Act, and the amounts of compensation payable to them, respectively. X of 1870.

If Local Government does not offer to pay compensation, mines may be worked in a proper manner.

7. (*1*) If before the expiration of the said sixty days the Local Government does not publish a declaration as provided in section 5, the owner, lessee or occupier of the mines may, unless and until such a declaration is subsequently made, work the mines or any part thereof in a manner proper and necessary for the beneficial working thereof, and according to the usual manner of working such mines in the local area where the same are situate.

(*2*) If any damage or obstruction is caused to the surface of the land or any works thereon by improper working of the mines, the owner, lessee or occupier of the mines shall at once, at his own expense, repair the damage or remove the obstruction, as the case may require.

(*3*) If the repair or removal is not at once effected, or, if the Local Gov-

ernment so thinks fit, without waiting for the same to be effected by the owner, lessee or occupier, the Local Government may execute the same and recover from the owner, lessee or occupier the expense occasioned thereby.

Mining communications.

8. If the working of any mines is prevented or restricted under section 5, the respective owners, lessees and occupiers of the mines, if their mines extend so as to lie on both sides of the mines the working of which is prevented or restricted, may cut and make such and so many airways, headways, gateways or water-levels through the mines, measures or strata, the working whereof is prevented or restricted, as may be requisite to enable them to ventilate, drain, and work their said mines; but no such airway, headway, gateway or water-level shall be of greater dimensions or section than may be prescribed by the Governor General in Council in this behalf, and, where no dimensions are so prescribed, not greater than eight feet wide and eight feet high, nor shall the same be cut or made upon any part of the surface or works, or so as to injure the same, or to interfere with the use thereof.

Local Government to pay compensation for injury done to mines;

9. The Local Government shall, from time to time, pay to the owner, lessee or occupier of any such mines extending so as to lie on both sides of the mines, the working of which is prevented or restricted, all such additional expenses and losses as may be incurred by him by reason of the severance of the lands lying over those mines or of the continuous working of those mines being interrupted as aforesaid, or by reason of the same being worked in such manner and under such restrictions as not to prejudice or injure the surface or works, and for any minerals not acquired by the Local Government which cannot be obtained by reason of the action taken under the foregoing sections; and if any dispute or question arises between the Local Government and the owner, lessee or occupier as aforesaid, touching the amount of those losses or expenses, the same shall be settled as nearly as may be in the manner provided for the settlement of questions touching the amount of compensation payable under the Land Acquisition Act, 1870.

X of 1870.

and also for injury arising from any airway or other work.

10. If any loss or damage is sustained by the owner or occupier of the lands lying over any such mines, the working whereof has been so prevented or restricted as aforesaid (and not being the owner, lessee or occupier of those mines), by reason of the making of any such airway or other works as aforesaid, which or any like work it would not have been necessary to make but for the working of the mines having been so prevented or restricted as aforesaid, the Local Government shall pay full compensation to that owner or occupier of the surface lands for the loss or damage so sustained by him.

Power to officer of Local Govern-

11. For better ascertaining whether any mines lying under land acquired in accordance with the provisions of this Act are being worked, or have been

ment to enter and inspect the working of mines.

worked, or are likely to be worked so as to damage the land or the works thereon, an officer appointed for this purpose by the Local Government may, after giving twenty-four hours' notice in writing, enter into and return from any such mines or the works connected therewith; and for that purpose the officer so appointed may make use of any apparatus or machinery belonging to the owner, lessee or occupier of the mines, and use all necessary means for discovering the distance from any part of the land acquired to the parts of the mines which have been, are being or are about to be worked.

Penalty for refusal to allow inspection.

12. If any owner, lessee or occupier of any such mines or works refuses to allow any officer appointed by the Local Government for that purpose to enter into and inspect any such mines or works in manner aforesaid, he shall be punished with fine which may extend to two hundred rupees.

If mines worked contrary to provisions of this Act, Local Government may require means to be adopted for safety of land acquired.

13. If it appears that any such mines have been worked contrary to the provisions of this Act, the Local Government may, if it thinks fit, give notice to the owner, lessee or occupier thereof to construct such works and to adopt such means as may be necessary or proper for making safe the land acquired, and the works thereon, and preventing injury thereto; and if, after such notice, any such owner, lessee or occupier does not forthwith proceed to construct the works necessary for making safe the land acquired and the works thereon, the Local Government may itself construct the works and recover the expense thereof from the owner, lessee or occupier.

Construction of Act when land acquired has been transferred to a local authority or Company.

14. When a statement under section 3 has been made regarding any land, and the land has been acquired by the Government, and has been transferred to, or has vested, by operation of law, in a local authority or Company, then sections 4 to 13, both inclusive, shall be read as if for the words "the Local Government", wherever they occur in those sections, the words "the local authority or Company, as the case may be, which has acquired the land" were substituted.

Pending cases.

15. (*1*) This Act shall apply to any land for the acquisition whereof proceedings under the Land Acquisition Act, 1870, are pending at the time when this Act comes into force, unless before that time the Collector has made, in respect of the land, an award under section 14 or a reference to the Court under section 15 of that Act, or has taken possession of the land under section 17 of the same. X of 1870.

(*2*) When the Collector has before the said time made an award or reference in respect of any such land or taken possession thereof as aforesaid, and all the persons interested in the land, or entitled under the Land Acquisition Act, 1870, to act for persons so interested, who have attended or may attend in the course of the proceedings under sections 11 to 15, both inclusive, of the

X of 1870. Land Acquisition Act, 1870, consent in writing to the application of this Act to the land, the Collector may by an order in writing direct that it shall apply, and thereupon it shall be deemed to have applied from the commencement of the proceedings; and the Collector shall be deemed, as the case may be, to have inserted in his award or reference, or to have published in the prescribed manner, when he took possession, the statement mentioned in section 3 of this Act.

Definition of local authority and Company.

16. In this Act—

(*a*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund; and

(*b*) "Company" means a Company registered under any of the enactments relating to Companies from time to time in force in British India, or formed in pursuance of an Act of Parliament or by Royal Charter or Letters Patent.

This Act to be read with Land Acquisition Act, 1870.

17. This Act shall, for the purposes of all enactments for the time being in force, be read with and taken as part of the Land Acquisition Act, 1870. X of 1870.

AN ACT FOR IMPOSING A TAX ON INCOME DERIVED FROM SOURCES OTHER THAN AGRICULTURE.

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ACT No. II OF 1886.[a]

Received the Governor General's assent on the 29th January, 1886.

An Act for imposing a tax on income derived from sources other than agriculture.

WHEREAS it is expedient to impose a tax on income derived from sources other than agriculture; It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Extent and commencement.

1. (*1*) This Act extends to the whole of British India, and applies also, within the dominions of Princes and States in India in alliance with Her Majesty, to British subjects in those dominions who are in the service of the Government of India or of a local authority established in the exercise of the powers of the Governor General in Council in that behalf; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) Any power conferred by this Act to make rules or to issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal.

2. On and from the day on which this Act comes into force the enactments specified in the first schedule to this Act shall be repealed, except as to fees payable and other sums due under those enactments and the mode of recovering the same.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "local authority" means any municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of any municipal or local fund:

(*2*) "company" means an association carrying on business in British India, whose stock or funds is or are divided into shares and transferable, whether the company is incorporated or not, and whether its principal place of business is situate in British India or not:

(*3*) "prescribed" means prescribed by the Governor General in Council by notification in the Gazette of India, or by the Governor General in Council or a Local Government by rules made under this Act:

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[a] This Act has been declared in force in the Sonthal Pergunnahs by Reg. III of 1872, as amended by Reg. III of 1886, s. 2.

(*4*) "salary" includes allowances, fees, commissions, perquisites or profits received in lieu of or in addition to a fixed salary, in respect of an office or employment of profit; but, subject to any rules which may be prescribed in this behalf, it does not include travelling, tentage, horse or sumptuary allowance, or any other allowance granted to meet specific expenditure:

(*5*) "income" means income and profits accruing and arising or received in British India, and includes, in the case of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty, any salary, annuity, pension or gratuity payable to that subject by the Government or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf:

(*6*) "Magistrate" means a Presidency Magistrate or a Magistrate of the first or second class:

(*7*) "person" includes a firm and a Hindu undivided family:

(*8*) "defaulter" includes a company or firm making default under this Act:

(*9*) "Collector" means the chief officer in charge of the revenue-administration of a district, and, in a presidency-town, any officer whom the Local Government, by notification in the official Gazette, may, by name or by virtue of his office, appoint to be a Collector for the purposes of this Act; in the case of a company or firm, it means the Collector, as here defined, of the district or presidency-town in which its principal place of business in British India is situate; and, in the case of any other person chargeable under this Act, it means the Collector, defined as aforesaid, of the district or presidency-town in which the person has his residence:

(*10*) "principal officer", used with reference to a local authority or a company or any other public body or association not being a local authority or company, means—

(*a*) the secretary, treasurer, manager or agent of the authority, company, body or association; or

(*b*) any person connected with the authority, company, body or association upon whom the Collector has caused a notice to be served of his intention of treating him as the principal officer thereof; and

(*11*) "Part" means a part of the second schedule to this Act.

CHAPTER II.

Liability to Tax.

4. Subject to the exceptions mentioned in the next following section, there Incomes

liable to the tax.

shall be paid, in the year beginning with first day of April, 1886, and each subsequent year, to the credit of the Government of India, or as the Governor General in Council directs, in respect of the sources of income specified in the first column of the second schedule to this Act, a tax at the rate specified in that behalf in the second column of that schedule.

Exceptions.

5. (*1*) Nothing in section 4 shall render liable to the tax—

(*a*) any rent or revenue derived from land which is used for agricultural purposes and is either assessed to land-revenue or subject to a local rate assessed and collected by officials of the Government, as such ; or

(*b*) any income derived from—

(i) agriculture, or

(ii) the performance by a cultivator or receiver of rent-in-kind of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market, or

(iii) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him, when he does not keep a shop or stall for the sale of such produce ; or

(*c*) any building owned and occupied by the receiver of the rent or revenue of any such land as is referred to in clause (*a*), or by the cultivator, or the receiver of rent-in-kind, of any land with respect to which or the produce whereof any operation mentioned in clause (*b*) is carried on :

Provided that the building is on or in the immediate vicinity of the land, and is a building which the receiver of the rent or revenue, or the cultivator or the receiver of the rent-in-kind, by reason of his connection with the land, requires as a dwelling-house, or as a store-house, factory or other out-building : or

(*d*) any profits of a shipping company incorporated or registered out of British India and having its principal place of business out of India and its ships ordinarily engaged in seagoing traffic out of Indian waters ; or

(*e*) any income derived from property solely employed for religious or public charitable purposes ; or

(*f*) any income which a person enjoys as a member of a company or of a firm or of a Hindu undivided family when the company or the firm or the family is liable to the tax ; or,

(*g*) subject to any conditions and restrictions which may be prescribed in this behalf, such portion, not exceeding one-sixth, of the income in respect whereof a person would, but for this exception, be chargeable under this Act, as is deducted from the salary of the person under the authority or with the

permission of the Government for the purpose of securing a deferred annuity to him or a provision to his wife or children after his death or is paid by the person to an insurance company in respect of an insurance or deferred annuity on his own life or on the life of his wife; or

(*h*) any interest on stock-notes; or

(*i*) the salary of any officer, warrant-officer, non-commissioned officer or private of Her Majesty's Forces or of Her Majesty's Indian Forces who is not in an employment which, according to the ordinary practice, is held indifferently by military persons and civilians, and whose salary does not exceed five hundred rupees per mensem; or

(*j*) any person whose income from all sources is less than five hundred rupees per annum.

(*2*) An officer or servant is not exempt from taxation under this Act by reason only of the income of his employer being exempt therefrom under this section.

Power to make exemptions.

6. The Governor General in Council may, by notification in the Gazette of India, exempt from liability to the tax the whole or any part of the income of any class or tribe, or of any persons residing in any specified area, and may, by a like notification, revoke the exemption.

CHAPTER III.

Assessment and Collection.

A.—Salaries and Pensions.

Mode of payment in case of Government officials and pensioners.

7. In the case of a person receiving any salary, annuity, pension or gratuity from the Government, any sum payable to him by the Government in respect of the salary, annuity, pension or gratuity shall be reduced by the amount of the tax to which he is liable under Part I in respect thereof.

Mode of payment in case of servants and pensioners of local authorities.

8. (*1*) In the case of a person receiving any salary, annuity, pension or gratuity from a local authority, the tax to which he is liable under Part I shall, at the time of the payment to him of any of the salary, annuity, pension or gratuity, be deducted therefrom by the officer whose duty it is to make the payment, and be paid by that officer within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that officer does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

(*3*) If, when any payment is made, the tax is from any cause not deducted, it may, and on the requisition of the Collector shall, be deducted when any salary, annuity, pension or gratuity is subsequently paid to the person liable to the tax.

(*4*) The power to deduct under this section shall be without prejudice to any other mode of recovery.

Mode of payment in case of servants and pensioners of companies and private employers.

9. (*1*) The tax to which a person receiving any salary, annuity, pension or gratuity from a company, or from any other public body or association not being a local authority or company, or from a private employer, is liable under Part I shall be payable by him at the time when any portion of the salary, annuity, pension or gratuity is paid to him.

(*2*) The Collector may, subject to such conditions as may be prescribed, enter into an arrangement with any company, or any such body or association as aforesaid, or any private employer, with respect to the recovery on behalf of the Government by the company, body, association or employer of the tax to which any person receiving any salary, annuity, pension or gratuity from the company, body, association or employer is liable under Part I.

Annual return by principal officer of company or association.

10. The principal officer of every local authority, and of every company, and of every other public body or association not being a local authority or company, shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, in the prescribed form, a return in writing showing—

(*a*) the name of every person who is receiving at the date of the return any salary, annuity or pension, or has received during the year ending on that date any gratuity, from the authority, company, body or association, as the case may be, and the address of every such person so far as it is known; and

(*b*) the amount of the salary, annuity, pension or gratuity so received by each such person, and the time at which the same becomes payable or, in the case of a gratuity, was paid.

B.—Profits of Companies.

Annual statement of nett profits.

11. The principal officer in British India of every company shall prepare, and, on or before the fifteenth day of April in each year, deliver or cause to be delivered to the Collector, a statement in writing signed by him of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assess-

ment is to be made, then of the nett profits so made during the year ending on the said thirty-first day of March.

Power to require officers of companies to produce accounts.

12. (*1*) If the Collector has reason to believe that a statement delivered under section 11 is incorrect or incomplete, he may cause to be served on the principal officer of the company a notice requiring him, on or before a date to be therein mentioned, either to attend at the Collector's office and produce, or to cause to be there produced, for the inspection of the Collector such of the accounts of the company as refer to the year to which the statement relates and as are in his possession or power.

(*2*) On the day specified in the notice, or as soon afterwards as may be, the Collector shall, by an order in writing, determine the amount at which the company shall be assessed under Part II, and the time when the amount shall be paid, and, subject to the provisions of this Act, that amount shall be payable accordingly.

C.—Interest on Securities.

Mode of payment of tax on interest on securities.

13. (*1*) The tax payable under Part III in respect of the interest on any of the securities mentioned in that Part shall, at the time when and place where any of the interest is paid, be deducted therefrom by the person empowered to pay the interest, and be paid by that person within the prescribed time to the credit of the Government of India or as the Governor General in Council directs.

(*2*) If that person does not deduct and pay the tax as required by sub-section (*1*), he shall, without prejudice to any other consequences which he may incur, be deemed to be personally in default in respect of the tax.

D.—Other Sources of Income.

Ordinary Mode of Assessment and Collection.

Collector to determine person chargeable.

14. The Collector shall, from time to time, determine what persons are chargeable under Part IV, and the amount at which every person so chargeable shall be assessed.

Mode of making assessment.

15. (*1*) The assessment shall be made upon the income accruing to the person during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then upon the income accruing to him during the year ending on the said thirty-first day of March.

(*2*) In the case of a person for the first time becoming chargeable under Part IV within the year for which the assessment is to be made, or within the

year next before that year, the assessment shall be made according to an average of his income for such period as the Collector, having regard to the circumstances, directs.

List of incomes under two thousand rupees.

16. (*1*) The Collector shall in each year prepare a list of the persons chargeable under Part IV whose annual income does not, in his opinion, amount to two thousand rupees.

(*2*) The list shall be in the prescribed language or languages, and shall state in respect of every such person the following particulars, namely :—

(*a*) his name, and the source or sources of the income in respect of which he is chargeable;

(*b*) the year or portion of the year for which the tax is to be paid ;

(*c*) the place or places, district or districts, where the income accrues ;

(*d*) the amount to be paid ; and

(*e*) the place where, and the person to whom, the amount is to be paid.

(*3*) The list shall be filed in the office of the Collector, with a notification prefixed thereto requiring every person mentioned in the list to pay, within sixty days from a date specified in the notification, the amount stated in the list as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

(*4*) The list so filed shall be open to inspection at all reasonable times without any payment.

(*5*) The list, or such part or parts thereof as the Collector thinks fit, with the notification prefixed thereto, shall be further published in such manner as the Local Government may consider to be best adapted for giving information to all persons concerned.

(*6*) The list to be prepared in each year may be the list of the previous year with such amendments as the Collector finds to be necessary.

Notices to persons with incomes of two thousand rupees and upwards.

17. In the case of a person chargeable under Part IV whose annual income is, in the Collector's opinion, two thousand rupees or upwards, the Collector shall cause a notice to be served on him stating the particulars (*a*) to (*e*), both inclusive, mentioned in section 16, sub-section (*2*), and requiring him to pay, within sixty days from a date specified in the notice, the amount stated therein as payable by him, or to apply to the Collector, within thirty days from that date, to have the assessment reduced or cancelled.

Power to modify ordinary procedure in special cases.

18. (*1*) Notwithstanding anything contained in section 16 or section 17, the Local Government may make rules—

(*a*) authorizing or directing a Collector in specified cases, or classes of cases, to include in a list under section 16 any person who is liable to be served with a notice under section 17 instead of or in addition

to serving him with such a notice, and to serve a notice under section 17 on any person liable to be included in a list under section 16 instead of or in addition to including him in such a list;

(*b*) authorizing the Collector in any specified town or place to cause a general notice to be published, inviting every person chargeable under Part IV to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form, published with the notice, of his income during the year ending on the day on which his accounts have been last made up, or, if his accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then of his income during the year ending on the said thirty-first day of March;

(*c*) authorizing the Collector in any presidency-town to cause a special notice to be served on any person chargeable under Part IV, inviting him to deliver or cause to be delivered to the Collector, within a time specified in the notice, a return, in a prescribed form, accompanying the notice, of his income computed in the manner prescribed in clause (*b*) of this sub-section.

(*2*) A return delivered under rules made under clause (*b*) or clause (*c*) of sub-section (*1*) must state the period during which the income has actually accrued; and there must be added at the foot thereof a declaration that the income shown in the return is truly estimated on all the sources therein mentioned, that it has actually accrued within the period therein stated, and that the person making the return has no other source of income.

(*3*) When a Collector authorized in that behalf by rules made under clause (*b*) or clause (*c*) of sub-section (*1*) has caused a notice to be published or served under those rules, he shall not include any person to whom the notice applies in any list made under section 16 or serve a notice on him under section 17 until the time specified in the notice published or served under those rules has expired.

(*4*) Rules made under this section shall be published in the official Gazette.

Time and place of payment.

19. Every amount specified as payable in a list or notice prepared or served under section 16 or section 17 shall be paid within the time, at the place, and to the person, mentioned in the list or notice.

Trustees, Agents, Managers and Incapacitated Persons.

Trustees.

20. A person being the trustee, guardian, curator or committee of any

guardians and committees of incapacitated persons to be charged.

infant, married woman subject to the law of England, lunatic or idiot, and having the control of the property of the infant, married woman, lunatic or idiot, whether the infant, married woman, lunatic or idiot resides in British India or not, shall, if the infant, married woman, lunatic or idiot is chargeable under Part IV, be chargeable under that Part in like manner and to the same amount as the infant would be chargeable if he were of full age, or the married woman if she were sole, or the lunatic or idiot if he were capable of acting for himself.

Non-residents to be charged in names of their agents.

21. Any person not resident in British India, whether a subject of Her Majesty or not, being in receipt, through an agent, of any income chargeable under Part IV, shall be chargeable under that Part in the name of the agent in the like manner and to the like amount as he would be chargeable if he were resident in British India and in direct receipt of that income.

Receivers, managers, Courts of Wards, Administrators General and Official Trustees.

22. Receivers or managers appointed by any Court in India, the Courts of Wards, the Administrators General of Bengal, Madras and Bombay, and the Official Trustees shall be chargeable under Part IV in respect of all income officially in their possession or under their control which is liable to assessment under that Part.

Power to retain duties charged on trustees, &c.

23. When a trustee, guardian, curator, committee or agent is, as such, assessed under Part IV,

or when a receiver or manager appointed as aforesaid, a Court of Wards, an Administrator General or an Official Trustee is assessed under that Part in respect of income officially received,

the person or Court so assessed may, from time to time, out of the money coming to his or its possession as trustee, guardian, curator, committee or agent, or as receiver, manager, Court of Wards, Administrator General or Official Trustee, retain so much as is sufficient to pay the amount of the assessment.

Occupying Owners.

Provisions for tax on occupying owners.

24. (*1*) Where a building is occupied by its owner, it shall be deemed a source of income within the meaning of this Act, and, if liable to be assessed under this Act, shall be assessed at five-sixths of the gross annual rent at which it may reasonably be expected to let, and, in the case of a dwelling-house, may be expected to let unfurnished.

(*2*) "Owner", as used in this section with reference to a building, means the person who would be entitled to receive the rent of the building if the building were let to a tenant.

(*Chapter IV.—Revision of Assessment. Secs. 25-28. Chapter V.—Recovery of Arrears of Tax. Sec. 29.*)

CHAPTER IV.

Revision of Assessment.

Petition to Collector against assessment under Part IV.

25. (*1*) Any person objecting to the amount at which he is assessed, or denying his liability to be assessed, under Part IV may apply by petition to the Collector to have the assessment reduced or cancelled.

(*2*) The petition shall ordinarily be presented within the period specified in the notification prefixed to the list filed under section 16, or in the notice served under section 17, as the case may be. But the Collector may receive a petition after the expiration of that period if he is satisfied that the objector had sufficient cause for not presenting it within that period.

(*3*) The petition shall, as nearly as circumstances admit, be in the form contained in the third schedule to this Act, and the statements contained in the petition shall be verified by the petitioner or some other competent person in the manner required by law for the verification of plaints.

Hearing of petition

26. The Collector shall fix a day and place for the hearing of the petition, and on the day and at the place so fixed, or on the day and at the place, if any, to which he has adjourned the hearing, shall hear the petition and pass such order thereon as he thinks fit.

Petition to Commissioner for revision.

27. Subject to the control of the Local Government, the Commissioner of the division, on the petition of any person deeming himself aggrieved by an order under section 12, sub-section (*2*), or section 26 shall, if the amount of the assessment to which the petition relates is two hundred and fifty rupees or upwards, and may in his discretion if the amount of the assessment is less than two hundred and fifty rupees, call for the record of the case, and pass such order thereon as he thinks fit.

Power to summon witnesses, &c.

28. The Collector or Commissioner may, for the purpose of enabling him to determine how the petitioner or the company which he represents should be assessed, summon and enforce the attendance of witnesses and compel them to give evidence, and compel the production of documents, by the same means, and, as far as possible, in the same manner, as is provided in the case of a Civil Court by the Code of Civil Procedure : XIV of 1882.

Provided that the Collector or Commissioner shall not call for any evidence except at the instance of the petitioner or in order to ascertain the correctness of facts alleged by him.

CHAPTER V.

Recovery of Arrears of Tax.

Tax when payable.

29. The tax chargeable under this Act shall be payable at the time ap-

pointed in that behalf in or under this Act, or, if a time is not so appointed, then on the first day of June in each year.

Mode and time of recovery.

30. (*1*) In any case of default under this Act the Collector, in his discretion, may recover a sum not exceeding double the amount of the tax either as if it were an arrear of land-revenue or by any process enforceable for the recovery of an arrear of any municipal tax or local rate imposed under any enactment for the time being in force in any part of the territories administered by the Local Government to which he is subordinate, or may pass an order that a sum not exceeding double that amount shall be recovered from the defaulter:

Provided that, where a person has presented a petition under section 25, such sum shall not be recoverable from him unless, within thirty days from the passing of the order on the petition, he fails to pay the amount, if any, required by that order.

(*2*) The Local Government may direct by what authority any powers or duties incident under any such enactment as aforesaid to the enforcement of any process for the recovery of a municipal tax or local rate shall be exercised or performed when that process is employed under sub-section (*1*) for the recovery of the tax chargeable under this Act.

(*3*) An order passed by the Collector under sub-section (*1*) shall have the force of a decree of a Civil Court in a suit in which the Government is the plaintiff and the defaulter is the defendant; and the order may be enforced in manner provided by the Code of Civil Procedure for the enforcement of decrees for money; and the procedure under the said Code in respect of the following matters, namely:— XIV of 1882.

(*a*) sales in execution of decrees,

(*b*) arrest in execution of decrees for money,

(*c*) execution of decrees by imprisonment,

(*d*) claims to attached property, and

(*e*) execution of decrees out of the jurisdiction of the Courts by which they were passed,

shall apply to every execution issued for levying the sum mentioned in the order; save that all the powers and duties conferred and imposed by the said Code upon the Court shall be exercised and discharged by the Collector by whom the order has been made or to whom a copy thereof has been sent for execution according to the provisions of the said Code, sections 223 and 224.

(*4*) The Local Government may direct, with respect to any specified area, that the tax chargeable under this Act shall be recovered therein with, and as

an addition to, any municipal tax or local rate by the same person and in the same manner as the municipal tax or local rate is recovered.

(5) No proceedings for the recovery of any sum payable under this Act shall be commenced after the expiration of three months from the last day of the year in respect of which the sum is payable.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Composition.

Agreements for composition.

31. (*1*) If a company or person desires to compound for the tax assessable under Part II or Part IV, as the case may be, the Collector may, subject to such rules as may be prescribed in this behalf, agree with the company or person for a composition for the tax on such terms and for such period as he thinks fit.

(2) The agreement shall provide for the payment, in each year of the period comprised in the agreement, of the amount of the composition; and that amount shall be recoverable in the same manner and by the same means as any other assessment made under Part II or Part IV, as the case may be.

Receipts.

Receipts and their contents.

32. When any money is paid under this Act to the Collector or is recovered thereunder by him, he shall give a receipt for the same, specifying—

(*a*) the date of the payment or recovery of the money;

(*b*) the amount paid or recovered;

(*c*) the person who was liable to the tax, and the source or sources of income in respect of which the tax was payable;

(*d*) the year or part of the year for which the tax was payable;

(*e*) the place or places, district or districts, where the income accrues; and

(*f*) such other particulars, if any, as may be prescribed.

Amendment of Assessment.

Amendment of assessment.

33. If a company or person assessed under Part II or Part IV ceases to carry on the trade or business in respect whereof the assessment was made, or if any such person dies or becomes insolvent before the end of the year for which the assessment was made, or if any such company or person is, from any other specific cause, deprived of or loses the income on which the assess-

ment was made, then the company or person or its or his representative in interest may apply to the Collector during or within three months after the end of the year, and the Collector, on proof to his satisfaction of any such cause as aforesaid, shall amend the assessment as the case may require, and refund such sum, if any, as has been overpaid.

Penalties.

Failure to make payments or deliver returns or statements.

34. (*1*) If a person fails—

(*a*) to deduct and pay any tax as required by section 8, sub-section (*1*), or section 13, sub-section (*1*), or

(*b*) to deliver or cause to be delivered to the Collector in due time the return or statement mentioned in section 10 or section 11, or

(*c*) to produce, or cause to be produced, on or before the date mentioned in a notice under section 12, such accounts as are referred to in the notice,

he shall, on conviction before a Magistrate, be punishable with fine which may extend to ten rupees for every day during which the default continues.

(*2*) The Commissioner of the division may remit wholly or in part any fine imposed under this section.

False statement in declaration.

35. If a person makes a statement in a declaration mentioned in section 18, sub-section (*2*), which is false, and which he either knows or believes to be false or does not believe to be true, he shall be deemed to have committed the offence described in section 177 of the Indian Penal Code. XLV of 1860

Prosecution to be at instance of Collector.

36. A person shall not be proceeded against for an offence under section 34 or section 35, except at the instance of the Collector.

Sections 193 and 228 of Penal Code to apply to proceedings.

37. Any proceeding under section 12, or Chapter IV, of this Act shall be deemed to be a "judicial proceeding" within the meaning of sections 193 and 228 of the Indian Penal Code. XLV of 1860.

Power to make Rules.

Power to make rules.

38. (*1*) The Governor General in Council may make rules consistent with this Act for ascertaining and determining income liable to assessment, for preventing the disclosure of particulars contained in documents delivered or produced with respect to assessments under Part IV, and generally for carrying out the purposes of this Act, and may delegate to a Local Government the power to make such rules so far as regards the territories subject to that Government.

(*2*) In making a rule for preventing the disclosure of any particulars referred to in sub-section (*1*), the Governor General in Council may direct that

a public servant committing a breach of the rule shall be deemed to have committed an offence under section 166 of the Indian Penal Code.

XLV of 1860

(*3*) But a person committing any such offence shall not be liable to be prosecuted therefor without the previous sanction of the Local Government.

(*4*) Rules made under this section shall be published in the official Gazette.

Miscellaneous.

39. No suit shall lie in any Civil Court to set aside or modify any assessment made under this Act.

Bar of suits in Civil Court.

40. All or any of the powers and duties conferred and imposed by this Act on a Collector or on a Commissioner of division may be exercised and performed by such other officer or person as the Local Government appoints in this behalf.

Exercise of powers of Collector and Commissioner.

41. An officer or person exercising all or any of the powers of a Collector under this Act may, by notice, require any person to furnish a list, in the prescribed form, containing, to the best of his belief,—

Obligation to furnish information respecting lodgers and employés.

(*a*) the name of every inmate or lodger resident in any house used by him as a dwelling-house or let by him in lodgings;

(*b*) the name of every other person receiving salary or emoluments amounting to forty-one rupees ten annas and eight pies per mensem, or five hundred rupees per annum, or upwards, employed in his service, whether resident in any such house as aforesaid or not; and

(*c*) the place of residence of such of those persons as are not resident in any such house, and of any inmate or lodger in any such house who has a place of residence elsewhere at which he is liable under this Act to be assessed, and who desires to be assessed at that place.

42. An officer or person exercising all or any of the powers aforesaid may, by notice, require any person whom he has reason to believe to be a trustee, guardian, curator, committee or agent to deliver or cause to be delivered a statement of the names of the persons for or of whom he is trustee, guardian, curator, committee or agent.

Trustees and agents to furnish information as to beneficiaries and principals.

43. An officer or person exercising all or any of the said powers may, by notice, require a trustee, guardian, curator, committee or agent, or a receiver or manager appointed by any Court in India, or a Court of Wards, Administrator General or Official Trustee, to furnish such returns of income liable to assessment under Part IV as may be prescribed.

Trustees, &c., to furnish information as to income.

44. An officer or person exercising all or any of the said powers may, at the instance of any person respecting whose assessment or the amount

Obligation to furnish other information.

thereof any doubt exists, require any person to furnish such information as he deems to be necessary for the purpose of ascertaining facts relevant to the assessment or its amount.

Sections 176 and 177 of Penal Code to apply to requisitions for information.

45. A person required to furnish any information under section 41, section 42, section 43 or section 44 shall be legally bound to furnish the same in such manner and within such time as may be specified in the requisition for the information.

Service of notices.

46. (*1*) A notice under this Act may be served on the person therein named either by a prepaid letter addressed to the person and registered under Part III of the Indian Post Office Act, 1866, or by the delivery or tender to him of a copy of the notice. XIV of 1866.

(*2*) If a notice is served by registered letter, it shall be presumed to have been served at the time when the letter would be delivered in the ordinary course of post, and proof that the letter was properly addressed and put into the post shall be sufficient to raise the presumption that the notice was duly served at that time.

(*3*) If the notice is to be served otherwise than by registered letter, the service shall, whenever it may be practicable, be on the person named in the notice, or, in the case of a firm, on some member thereof, or, in the case of a Hindu undivided family, on the manager of the joint estate of the family:

(*4*) But when the person, member or manager cannot be found, the service may be made on any adult male member of his family residing with him; and, if no such adult male member can be found, the serving-officer shall fix the copy of the notice on the outer door of the house in which the person, firm or family therein named ordinarily resides or carries on business.

Power to declare principal place of business or residence.

47. (*1*) When a company or firm has several places of business in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be the principal place of business.

(*2*) When a company or firm has several places of business in the territories subject to a single Local Government, that Government may declare which of them shall, for the purposes of this Act, be deemed to be the principal place of business.

(*3*) When a person has several places of residence in territories subject to different Local Governments, the Governor General in Council may declare which of those places shall, for the purposes of this Act, be deemed to be his residence,

(*4*) When a person has several places of residence in the territories subject

to a single Local Government, that Government may declare which of those places shall, for the purposes of this Act, be deemed to be his residence.

(5) The powers given by this section may be delegated to, and exercised by, such officers as the Governor General in Council or the Local Government, as the case may be, appoints in this behalf.

Saving in favour of payers of pandhari and capitation taxes.

48. Where a person is in respect of any period liable to the tax under this Act he shall not in respect of that period be assessed to the pandhari-tax levied in the Central Provinces under Act XIV of 1867, or to the capitation-tax, or the land-rate in lieu thereof, levied in Lower[a] Burma under the Burma Land and Revenue Act, 1876.

II of 1876.

Indemnity.

49. Every person deducting, retaining or paying any tax in pursuance of this Act or of any arrangement under section 9, sub-section (2), in respect of income belonging to another person, is hereby indemnified for the deduction, retention or payment thereof.

Powers exercisable from time to time

50. All powers conferred by, or conferable under, this Act may be exercised from time to time as occasion requires.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. II of 1878 .	The Northern India License Act, 1878 .	So much as has not been repealed.
Act No. VI of 1880 .	The Indian License Acts Amendment Act, 1880.	The whole.

ACTS OF THE GOVERNOR OF FORT ST. GEORGE IN COUNCIL.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878 .	The Madras License Act, 1878 . .	So much as has not been repealed.
Act No. III of 1880 .	An Act to amend Madras Act III of 1878 as amended by Act VI of 1880.	The whole.

[a] See Act XX of 1886, s. 4.

(*The First Schedule.—Enactments Repealed. The Second Schedule.—Sources of Income and Rates of Tax.*)

THE FIRST SCHEDULE—*continued.*

Act of the Governor of Bombay in Council.

Number and year.	Short title.	Extent of repeal.
Act No. III of 1878 .	The Bombay License Act, 1878 . .	So much as has not been repealed.

Act of the Lieutenant-Governor of Bengal in Council.

Number and year	Short title.	Extent of repeal.
Act No. II of 1880 .	The Bengal License Act, 1880 . .	The whole.

THE SECOND SCHEDULE.

Sources of Income and Rates of Tax.

(*See section 4.*)

First column.	Second column.
Source of Income.	Rate of Tax.
PART I.	
Salaries and Pensions.	
1. Any salary, annuity, pension or gratuity paid in British India to or on behalf of any person residing in British India or serving on board a ship plying to or from British Indian ports, whether on account of himself or another person. 2 Any salary, annuity, pension or gratuity paid by the Government, or by a local authority established in the exercise of the powers of the Governor General in Council in that behalf, to or on behalf of a British subject within the dominions of a Prince or State in India in alliance with Her Majesty.	(*a*) If the income amounts to Rs. 2,000 per annum, or Rs. 166-10-8 per mensem, or upwards—five pies in the rupee. (*b*) If the income is less than Rs. 2,000 per annum, or Rs. 166-10-8 per mensem—four pies in the rupee.

THE SECOND SCHEDULE—*continued.*

First column.	Second column.
Source of Income.	Rate of Tax.
PART II.	
Profits of Companies.	
Profits of a company . .	Five pies in the rupee on the whole of the nett profits made in British India by the company during the year ending on the day on which the company's accounts have been last made up, or, if the company's accounts have not been made up within the year ending on the thirty-first day of March in the year immediately preceding that for which the assessment is to be made, then on the whole of the nett profits so made during the year ending on the said thirty-first day of March.
PART III.	
Interest on Securities.	
Interests becoming due on or after the first day of April, 1886, and payable in British India, on— (*a*) promissory notes, debentures, stock or other securities of the Government of India (including securities of the Government of India whereon interest is payable out of British India by draft on any place in British India), or (*b*) bonds or debentures charged by the Imperial Parliament on the revenues of India, or (*c*) debentures or other securities for money issued by or on behalf of a local authority or company.	Five pies in the rupee on such interest, unless the owner of the security produces a certificate signed by the Collector that his annual income from all sources is less than Rs. 500, in which case no deduction shall be made from the interest, or unless he produces a like certificate that his income from all sources is less than Rs. 2,000, in which case the rate shall be four pies in the rupee.
PART IV.	
Other Sources of Income.	
Any source of income not included in Part I, Part II or Part III of this schedule.	(*a*) If the annual income is assessed at— not less than Rs. 500 but less than Rs. 750, the tax shall be Rs. 10 " " " 750 " " " 1,000 " " 15 " " " 1,000 " " " 1,250 " " 20 " " " 1,250 " " " 1,500 " " 28 " " " 1,500 " " " 1,750 " " 35 " " " 1,750 " " " 2,000 " " 43 (*b*) If the annual income is assessed at Rs. 2,000 or upwards—five pies in the rupee on the income.

THE THIRD SCHEDULE.

FORM OF PETITION.

(*See section 25.*)

TO THE COLLECTOR OF

The *day of* *188* .

The petition of *A. B.* of

SHEWETH as follows—

1.—Under Act No. II of 1886, your petitioner has been assessed in the sum of rupees for the year commencing the first day of April, 188

2.—Your petitioner's income and profits accruing and arising from [*here specify petitioner's trade or other source or sources of income or profits, and the place or places at which such income or profits accrues or arise*] for the year ending the day of last were rupees [as will appear from the documents of which a list is presented herewith*].

3.—Such income and profits actually accrued and arose during a period of months and days [*here state the exact number of months and days in which the income and profits accrued and arose*].

4.—During the said year your petitioner had no other income or profits.

Your petitioner therefore prays that he may be assessed accordingly [*or* that he may be declared not to be chargeable under the said Act].

(Signed) *A. B.*

Form of Verification.

I, *A. B.*, the petitioner named in the above petition, do declare that what is stated therein is true to the best of my information and belief.

(Signed) *A. B.*

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* *These words are to be inserted if the petitioner relies on documents. The list, if the petitioner so wishes, may be presented in a sealed envelope.*

ACT No. IV OF 1886.[a]

Received the Governor General's assent on the 29th January, 1886.

An Act to amend section 265 of the Indian Contract Act, 1872.

WHEREAS it is expedient to amend section 265 of the Indian Contract Act, 1872; It is hereby enacted as follows:— IX of 1872.

1. For section 265 of the said Act the following shall be substituted, namely:— New section substituted for section 265, Indian Contract Act.

"265. Where a partner is entitled to claim a dissolution of partnership, or where a partnership has terminated, the Court may, in the absence of any contract to the contrary, wind up the business of the partnership, provide for the payment of its debts and distribute the surplus according to the shares of the partners respectively." Winding up by Court on dissolution or after termination.

2. In section 213 of the Code of Civil Procedure the words and figures from and including the word "applications" to the end of the section are hereby repealed. XIV of 1882. Repeal of part of section 213, Act XIV, 1882.

THE BIRTHS, DEATHS AND MARRIAGES REGISTRATION ACT, 1886.

CONTENTS.

CHAPTER I.

PRELIMINARY.

SECTIONS.

1. Short title and commencement.
2. Local extent.
3. Definitions.
4. Saving of local laws.
5. Powers exercisable from time to time.

[a] This Act has been declared in force in the town of Mandalay by Act XX of 1886, s. 6 (*1*), and s. 1 of the Act has been declared in force in the Sonthal Pergunnahs by Reg. III of 1872, s. 3, as amended by Reg. III of 1886, s. 2.

CHAPTER II.

GENERAL REGISTRY OFFICES OF BIRTHS, DEATHS AND MARRIAGES.

SECTIONS.

6. Establishment of general registry offices and appointment of Registrars General.
7. Indexes to be kept at general registry office.
8. Indexes to be open to inspection.
9. Copies of entries to be admissible in evidence.
10. Superintendence of Registrars by Registar General.

CHAPTER III.

REGISTRATION OF BIRTHS AND DEATHS.

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11. Persons whose births and deaths are registrable.

B.—Registration Establishment.

12. Power for Local Government to appoint Registrars for its territories.
13. Power for Governor General in Council to appoint Registrars for Native States.
14. Registrar to be deemed a public servant.
15. Power to remove Registrars.
16. Office and attendance of Registrar.
17. Absence of Registrar or vacancy in his office.
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C.—Mode of Registration.

19. Duty of Registrar to register births and deaths of which notice is given.
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28. Correction of entry in register of births or deaths.

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Amendment of Marriage Acts.

Sections.

29. Addition of new section after section 13, Act III of 1872.
30. Amendment of the Indian Christian Marriage Act, 1872.
31. Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865.

CHAPTER V.

Special Provisions as to certain existing Registers.

32. Permission to persons having custody of certain records to send them within one year to Registrar General.
33. Appointment of Commissioners to examine registers.
34. Duties of Commissioners.
35. Searches of lists prepared by Commissioners and grant of certified copies of entries.

BENGAL SECRETARIAT LIBRARY

CHAPTER VI.

Rules.

36. Power for Governor General in Council to make rules.
37. Procedure for making and publication of rules.

ACT No. VI of 1886.[a]

Received the Governor General's assent on the 8th March, 1886.

An Act to provide for the voluntary Registration of certain Births and Deaths, for the establishment of General Registry Offices for keeping Registers of certain Births, Deaths and Marriages, and for certain other purposes.

Whereas it is expedient to provide for the voluntary registration of births and deaths among certain classes of persons, for the more effectual registration of those births and deaths and of the marriages registered under Act III of 1872 or the Indian Christian Marriage Act, 1872, and of certain marriages registered under the Parsi Marriage and Divorce Act, 1865, and for the

XV of 1872.
XV of 1865.

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[a] This Act has been extended to Upper Burma (except the Shan States) under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 17th November, 1888, Pt. I, p. 544, and Gazette of India, 24th idem, Pt. I, p. 528.

establishment of general registry offices for keeping registers of those births, deaths and marriages;

And whereas it is also expedient to provide for the authentication and custody of certain existing registers made otherwise than in the performance of a duty specially enjoined by the law of the country in which the registers were kept, and to declare that copies of the entries in those registers shall be admissible in evidence;

It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Short title and commencement.

1. (*1*) This Act may be called the Births, Deaths and Marriages Registration Act, 1886; and

(*2*) [a] It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, directs.

(*3*) Any power conferred by this Act to make rules or to issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Local extent.

2. This Act extends to the whole of British India, and applies also, within the dominions of Princes and States of India in alliance with Her Majesty, to British subjects in those dominions.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

"sign" includes mark, when the person making the mark is unable to write his name:

"prescribed" means prescribed by a rule made by the Governor General in Council under this Act: and

"Registrar of Births and Deaths" means a Registrar of Births and Deaths appointed under this Act.

Saving of local laws.

4. Nothing in this Act, or in any rule made under this Act, shall affect any law heretofore or hereafter passed providing for the registration of births and deaths within particular local areas.

Powers exercisable from time to time.

5. All powers conferred by this Act may be exercised from time to time as occasion requires.

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[a] The Act came into force on the 1st October, 1888—see Gazette of India, 21st July, 1888, Pt. I, p 336.

CHAPTER II.

General Registry Offices of Births, Deaths and Marriages.

Establishment of general registry offices and appointment of Registrars General.

6. (*1*) Each Local Government—

(*a*) shall establish a general registry office for keeping such certified copies of registers of births and deaths registered under this Act, or marriages registered under Act III of 1872 (*to provide a form of marriage in certain cases*) or the Indian Christian Marriage Act, 1872, or, beyond the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Bombay, under the Parsi Marriage and Divorce Act, 1865, as may be sent to it under this Act, or under any of the three last-mentioned Acts, as amended by this Act; and

XV of 1872.

XV of 1865.

(*b*) may appoint to the charge of that office an officer to be called the Registrar General of Births, Deaths and Marriages, for the territories under its administration:

(*2*) Provided that the Governor of Bombay in Council may, with the previous sanction of the Governor General in Council, establish two general registry offices and appoint two Registrars General of Births, Deaths and Marriages for the territories under his administration; one of such general registry offices and of such Registrars General being established and appointed for Sindh and the other for the other territories under the administration of the Governor of Bombay in Council.

Indexes to be kept at general registry office.

7. Each Registrar General of Births, Deaths and Marriages shall cause indexes of all the certified copies of registers sent to his office under this Act, or under Act III of 1872, the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, as amended by this Act, to be made and kept in his office in the prescribed form.

XV of 1872.

XV of 1865.

Indexes to be open to inspection.

8. Subject to the payment of the prescribed fees, the indexes so made shall be at all reasonable times open to inspection by any person applying to inspect them, and copies of entries in the certified copies of the registers to which the indexes relate shall be given to all persons applying for them.

Copies of entries to be admissible in evidence.

9. A copy of an entry given under the last foregoing section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, death or marriage to which the entry relates.

Superintendence of Re-

10. Each Registrar General of Births, Deaths and Marriages shall exercise

gistrars by Registrar General.

a general superintendence over the Registrars of Births and Deaths in the territories for which he is appointed.

CHAPTER III.

Registration of Births and Deaths.

A.—Application of this Chapter.

Persons whose births and deaths are registrable.

11. (*1*) The persons whose births and deaths shall, in the first instance, be registrable under this chapter are the following, namely:—

(*a*) in British India, the members of every race, sect or tribe to which the Indian Succession Act, 1865, applies, and in respect of which an order under section 332 of that Act is not for the time being in force, and all persons professing the Christian religion; X of 1865.

(*b*) in the dominions of Princes and States in India in alliance with Her Majesty, British subjects being members of a like race, sect or tribe, or professing the Christian religion:

(*2*) But the Local Government, by notification in the official Gazette, may, with the previous approval of the Governor General in Council, extend the operation of this chapter to any other class of persons either generally or in any local area.

B.—Registration Establishment.

Power for Local Government to appoint Registrars for its territories.

12. The Local Government may appoint, either by name or by virtue of their office, so many persons as it thinks necessary to be Registrars of Births and Deaths for such local areas within the territories under its administration as it may define and, if it sees fit, for any class of persons within any part of those territories.

Power for Governor General in Council to appoint Registrars for Native States.

13. The Governor General in Council may, by notification in the Gazette of India, appoint, either by name or by virtue of their office, so many persons as he thinks necessary to be Registrars of Births and Deaths for such local areas within the dominions of any Prince or State in India in alliance with Her Majesty as he may define and, if he sees fit, for any class of persons within any part of those dominions.

Registrar to be deemed a public servant.

14. Every Registrar of Births and Deaths shall be deemed to be a public servant within the meaning of the Indian Penal Code. XLV of 1860.

Power to remove Registrars.

15. (*1*) The Local Government or the Governor General in Council, as the case may be, may suspend, remove or dismiss any Registrar of Births and Deaths.

(*2*) A Registrar of Births and Deaths may resign by notifying in writing

to the Local Government or to the Governor General in Council, as the case may be, his intention to do so, and, on his resignation being accepted by the Local Government or the Governor General in Council, he shall be deemed to have vacated his office.

Office and attendance of Registrar.

16. (*1*) Every Registrar of Births and Deaths shall have an office in the local area, or within the part of the territories or dominions, for which he is appointed.

(*2*) Every Registrar of Births and Deaths to whom the Local Government may direct this sub-section to apply shall attend at his office for the purpose of registering births and deaths on such days and at such hours as the Registrar General of Births, Deaths and Marriages may direct, and shall cause to be placed in some conspicuous place on or near the outer door of his office his name, with the addition of Registrar of Births and Deaths for the local area or class for which he is appointed, and the days and hours of his attendance.

Absence of Registrar or vacancy in his office.

17. (*1*) When any Registrar of Births and Deaths to whom the Local Government may direct this section to apply, not being a Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay, is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf, or, in default of such appointment, the Judge of the District Court within the local limits of whose jurisdiction the Registrar's office is situate, or such other officer as the Local Government appoints in this behalf, shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(*2*) When any such Registrar of Births and Deaths for a local area in the town of Calcutta, Madras or Bombay is absent, or when his office is temporarily vacant, any person whom the Registrar General of Births, Deaths and Marriages appoints in this behalf shall be the Registrar of Births and Deaths during such absence or until the Local Government fills the vacancy.

(*3*) The Registrar General of Births, Deaths and Marriages shall report to the Local Government all appointments made by him under this section.

Register books to be supplied and preservation of records to be provided for.

18. The Local Government shall supply every Registrar of Births and Deaths with a sufficient number of register books of births and of register books of deaths, and shall make suitable provision for the preservation of the records connected with the registration of births and deaths.

C.—Mode of Registration.

Duty of Registrar to register

19. Every Registrar of Births and Deaths, on receipt of notice of a birth or death within the local area or among the class for which he is appointed, shall,

births and deaths of which notice is given.

if the notice is given within the prescribed time and in the prescribed mode by a person authorized by this Act to give the notice, forthwith make an entry of the birth or death in the proper register book:

Provided that—

(*a*) if he has reason to believe the notice to be in any respect false, he may refuse to register the birth or death until he receives an order from the Judge of the District Court directing him to make the entry and prescribing the manner in which the entry is to be made; and

(*b*) he shall not enter in the register the name of any person as father of an illegitimate child, unless at the request of the mother and of the person acknowledging himself to be the father of the child.

Persons authorized to give notice of birth.

20. Any of the following persons may give notice of a birth, namely:—

(*a*) the father or mother of the child;

(*b*) any person present at the birth;

(*c*) any person occupying, at the time of the birth, any part of the house wherein the child was born and having knowledge of the child having been born in the house;

(*d*) any medical practitioner in attendance after the birth and having personal knowledge of the birth having occurred;

(*e*) any person having charge of the child.

Persons authorized to give notice of death.

21. Any of the following persons may give notice of a death, namely:—

(*a*) any relative of the deceased having knowledge of any of the particulars required to be registered concerning the death;

(*b*) any person present at the death;

(*c*) any person occupying, at the time of the death, any part of the house wherein the death occurred and having knowledge of the deceased having died in the house;

(*d*) any person in attendance during the last illness of the deceased;

(*e*) any person who has seen the body of the deceased after death.

Entry of birth or death to be signed by person giving notice.

22. (*1*) When an entry of a birth or death has been made by the Registrar of Births and Deaths under section 19, the person giving notice of the birth or death must sign the entry in the register in the presence of the Registrar.

(*2*) Until the entry has been so signed, the birth or death shall not be deemed to be registered under this Act.

(*3*) When the birth of an illegitimate child is registered, and the mother and the person acknowledging himself to be the father of the child jointly request that that person may be registered as the father, the mother and that person must both sign the entry in the register in the presence of the Registrar.

23. The Registrar of Births and Deaths shall, on application made at the time of registering any birth or death by the person giving notice of the birth or death, and on payment by him of the prescribed fee, give to the applicant a certificate in the prescribed form, signed by the Registrar, of having registered the birth or death.

Grant of certificate of registration of birth or death.

24. (*1*) Every Registrar of Births and Deaths in British India shall send to the Registrar General of Births, Deaths and Marriages for the territories within which the local area or class for which he is appointed is situate or resides, at the prescribed intervals, a true copy certified by him, in the prescribed form, of all the entries of births and deaths in the register book kept by him since the last of those intervals:

Duty of Registrars as to sending certified copies of entries in register books to Registrar General.

Provided that in the case of Registrars of Births and Deaths who are clergymen of the Churches of England, Rome and Scotland, the Registrar may, if so directed by his ecclesiastical superior, send the certified copies in the first instance to that superior, who shall send them to the proper Registrar General of Births, Deaths and Marriages.

In this sub-section "Church of England" and "Church of Scotland" mean the Church of England and the Church of Scotland as by law established respectively; and "Church of Rome" means the Church which regards the Pope of Rome as its spiritual head.

(*2*) The provisions of sub-section (*1*) shall apply to every Registrar of Births and Deaths in the dominions of any Prince or State in India in alliance with Her Majesty, with this modification that the certified copies referred to in that sub-section shall be sent to such one of the Registrars General of Births, Deaths and Marriages as the Governor General in Council, by notification in the Gazette of India, appoints in this behalf.

25. (*1*) Every Registrar of Births and Deaths shall, on payment of the prescribed fees, at all reasonable times, allow searches to be made in the register books kept by him, and give a copy of any entry in the same.

Searches and copies of entries in register books.

(*2*) Every copy of an entry in a register book given under this section shall be certified by the Registrar of Births and Deaths, and shall be admissible in evidence for the purpose of proving the birth or death to which the entry relates.

26. Notwithstanding anything in section 19, the Governor General in Council may make rules authorizing Registrars of Births and Deaths, on conditions and in circumstances to be specified in the rules, to register births and deaths occurring outside the local areas or classes for which they are appointed.

Exceptional provision for registration of certain births and deaths.

D.—Penalty for False Information.

Penalty for wilfully giving false information.

27. If any person wilfully makes, or causes to be made, for the purpose of being inserted in any register of births or deaths, any false statement in connection with any notice of a birth or death under this Act, he shall be punished with imprisonment for a term which may extend to three years, or with fine, or with both.

E.—Correction of Errors.

Correction of entry in register of births or deaths.

28. (*1*) If it is proved to the satisfaction of a Registrar of Births and Deaths that any entry of a birth or death in any register kept by him under this Act is erroneous in form or substance, he may, subject to such rules as may be made by the Governor General in Council with respect to the conditions and circumstances on and in which errors may be corrected, correct the error by entry in the margin, without any alteration of the original entry, and shall sign the marginal entry and add thereto the date of the correction.

(*2*) If a certified copy of the entry has already been sent to the Registrar General of Births, Deaths and Marriages, the Registrar of Births and Deaths shall make and send a separate certified copy of the original erroneous entry and of the marginal correction therein made.

CHAPTER IV.

AMENDMENT OF MARRIAGE ACTS.

Addition of new section after section 13, Act III of 1872.

29. After section 13 of Act III of 1872 (*to provide a form of marriage in certain cases*) the following section shall be inserted, namely:—

Transmission of certified copies of entries in marriage-certificate book to the Registrar General of Births, Deaths and Marriages.

"13A. The Registrar shall send to the Registrar General of Births, Deaths and Marriages for the territories within which his district is situate, at such intervals as the Governor General in Council, from time to time, directs, a true copy certified by him, in such form as the Governor General in Council, from time to time, prescribes, of all entries made by him in the said marriage-certificate book since the last of such intervals."

Amendment of the Indian Christian Marriage Act, 1872.

30. In the Indian Christian Marriage Act, 1872, the following amendments shall be made, namely:— XV of 1872.

(*a*) at the end of section 3, the words "'Registrar General of Births, Deaths and Marriages' means a Registrar General of Births, Deaths

and Marriages appointed under the Births, Deaths and Marriages Registration Act, 1886," shall be added;

VI of 1886.

(*b*) for the words "Secretary to the Local Government", wherever they occur, and for the words "Secretary to a Local Government" in section 79, the words "Registrar General of Births, Deaths and Marriages" shall be substituted;

(*c*) for the words "at such places as the Local Government directs" in section 62 the words "in the office of the Registrar General of Births, Deaths and Marriages for the territories of the Local Government by which the person who keeps the register book was licensed" shall be substituted; and

(*d*) in section 81, after the words "Registrar General of Births, Deaths and Marriages" the words "in England" shall be added.

XV of 1865.

31. After section 8 of the Parsi Marriage and Divorce Act, 1865, the following section shall be inserted, namely :—

Addition of new section after section 8 of the Parsi Marriage and Divorce Act, 1865.

"8A. Every Registrar, except the Registrar appointed by the Chief Justice of the High Court of Judicature at Bombay, shall, at such intervals as the Governor General in Council from time to time directs, send to the Registrar General of Births, Deaths and Marriages for the territories administered by the Local Government by which he was appointed a true copy certified by him, in such form as the Governor General, from time to time, prescribes, of all certificates entered by him in the said register of marriages since the last of such intervals."

Transmission of certified copies of certificates in marriage-register to Registrar General of Births, Deaths and Marriages.

CHAPTER V.

Special Provisions as to certain existing Registers.

32. If any person in British India, or in the dominions of any Prince or State in India in alliance with Her Majesty, has for the time being the custody of any register or record of birth, baptism, naming, dedication, death or burial of any persons of the classes referred to in section 11, sub-section (*1*), or of any register or record of marriage of any persons of the classes to which Act III of 1872 or the Indian Christian Marriage Act, 1872, or the Parsi Marriage and Divorce Act, 1865, applies, and if such register or record has been made otherwise than in performance of a duty specially enjoined by the law of the country in which the register or record was kept, he may, within

XV of 1872.

XV of 1865.

Permission to persons having custody of certain records to send them within one year to Registrar General.

one year from the date on which this Act comes into force, send the register or record to the office of the Registrar General of Births, Deaths and Marriages for the territories within which he resides, or, if he resides within the dominions of any such Prince or State as aforesaid, to such one of the Registrars General as aforesaid as the Governor General in Council, by notification in the Gazette of India, directs in this behalf.

Appointment of Commissioners to examine registers.

33. (*1*) The Governor General in Council may appoint so many persons as he thinks fit to be Commissioners for examining the registers or records sent to the Registrar General of Births, Deaths and Marriages under the last foregoing section.

(*2*) The Commissioners so appointed shall hold office for such period as the Governor General in Council, by the order of appointment, or any subsequent order, directs.

Duties of Commissioners.

34. (*1*) The Commissioners appointed under the last foregoing section shall enquire into the state, custody and authenticity of every such register or record as may be sent to the Registrar General of Births, Deaths and Marriages under section 32,

and shall deliver to the Registrar General a descriptive list or descriptive lists of all such registers or records, or portions of registers or records, as they find to be accurate and faithful.

(*2*) The list or lists shall contain the prescribed particulars and refer to the registers or records, or to the portions of the registers or records, in the prescribed manner.

(*3*) The Commissioners shall also certify in writing, upon some part of every separate book or volume containing any such register or record, or portion of a register or record, as is referred to in any list or lists made by the Commissioners, that it is one of the registers or records, or portions of registers or records, referred to in the said list or lists.

Searches of lists prepared by Commissioners and grant of certified copies of entries.

35. (*1*) Subject to the payment of the prescribed fees, the descriptive list or lists of registers or records, or portions of registers or records, delivered by the Commissioners to the Registrar General of Births, Deaths and Marriages shall be, at all reasonable times, open to inspection by any person applying to inspect it or them, and copies of entries in those registers or records shall be given to all persons applying for them.

(*2*) A copy of an entry given under this section shall be certified by the Registrar General of Births, Deaths and Marriages, or by an officer or person authorized in this behalf by the Local Government, and shall be admissible in evidence for the purpose of proving the birth, baptism, naming, dedication, death, burial or marriage to which the entry relates.

CHAPTER VI.

RULES.

Power for Governor General in Council to make rules.

36. In addition to any other power to make rules impliedly or expressly conferred by this Act, the Governor General in Council may make rules—

(*a*) to fix the fees payable under this Act;

(*b*) to prescribe the forms required for the purposes of this Act;

(*c*) to prescribe the time within which, and the mode in which, persons authorized under this Act to give notice of a birth or death to a Registrar of Births and Deaths must give the notice;

(*d*) to prescribe the registers to be kept and the form and manner in which Registrars of Births and Deaths are to register births and deaths under this Act, and the intervals at which they are to send to the Registrar General of Births, Deaths and Marriages true copies of the entries of births and deaths in the registers kept by them;

(*e*) to prescribe the particulars which the descriptive list or lists to be prepared by the Commissioners appointed under Chapter V are to contain, and the manner in which they are to refer to the registers or records, or portions of registers or records, to which they relate;

(*f*) to prescribe the custody in which those registers or records are to be kept; and

(*g*) generally to carry out the purposes of this Act.

Procedure for making and publication of rules.

37. (*1*) The Governor General in Council shall, before making rules under this Act, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of persons likely to be affected thereby.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under this Act shall be published in the Gazette of India, and the publication in the Gazette of India, of a rule purporting to be made under this Act, shall be conclusive evidence that it has been duly made.

ACT No. VII OF 1886.

Received the Governor General's assent on the 8th March, 1886.

An Act to amend the Indian Registration Act, 1877.

WHEREAS it is expedient to amend the Indian Registration Act, 1877, in manner hereinafter appearing; It is hereby enacted as follows:— III of 1877.

Short title and commencement.

1. (*1*) This Act may be called the Indian Registration Act, 1886; and

(*2*) It shall come into force at once.

Addition to section 17 of Act III of 1877.

2. After clause (*f*) of section 17 of the Indian Registration Act, 1877, the following clause shall be inserted, that is to say:—

"(*ff*) any debenture issued by any such company and not creating, declaring, assigning, limiting or extinguishing any right, title or interest to or in immoveable property except in so far as it entitles the holder to the security afforded by a registered instrument whereby the Company has mortgaged, conveyed or otherwise transferred the whole or part of its immoveable property or any interest therein to trustees upon trust for the benefit of the holders of such debentures, or".

Addition to sections 17 and 89, and amendment of section 58, of same Act.

3. (*1*) After clause (*l*) of section 17 of the same Act the following clause shall be added, that is to say:—

"(*m*) orders granting loans under the Agriculturists' Loans Act, 1884, and instruments for securing the repayment of loans made under that Act." XII of 1884.

(*2*) In section 58 of the same Act, for the words "or a copy of a certificate under the Land Improvement Act, 1871, sent by the Collector to be registered," or, where the Land Improvement Loans Act, 1883, is in force, for the words "or a copy of an order under the Land Improvement Loans Act, 1883, sent by the Collector to be registered," there shall be substituted the following words, namely:— XXVI of 1871. XIX of 1883.

"or a copy sent to a registering officer under section 89".

(*3*) After the second paragraph of section 89 of the same Act the following paragraph shall be added, that is to say:—

"Every officer granting a loan under the Agriculturists' Loans Act, 1884, shall send a copy of any instrument whereby immoveable property is mortgaged for the purpose of securing the repayment of the loan, and, if any such property is mortgaged for the same purpose in the order granting the loan, XII of 1884.

* This Act has been declared in force in the Sonthal Pergunnahs by Reg. III of 1872, s. 3, as amended by Reg. III of 1886, s. 2.

a copy also of that order, to the registering officer within the local limits of whose jurisdiction the whole or any part of the property so mortgaged is situate, and such registering officer shall file the copy or copies, as the case may be, in his Book No. 1."

Further addition to section 17 of same Act.

4. After clause (*m*) of section 17 of the same Act as amended by this Act the following clause shall be added, that is to say:—

"(*n*) any endorsement on a mortgage-deed acknowledging the payment of the whole or any part of the mortgage-money, and any other receipt for payment of money due under a mortgage when the receipt does not purport to extinguish the mortgage".

Amendment of section 50 of same Act.

5. In the second paragraph of section 50 of the same Act, "(*ff*)" shall be inserted between "(*f*)" and "(*g*)", and for the word and letter "and (*l*)" the letters and word "(*l*), (*m*) and (*n*)" shall be substituted.

Addition to section 90, and amendment of section 91, of same Act.

6. (*1*) After clause (*d*) of section 90 of the same Act the following clause shall be inserted, that is to say:—

Bom Act V of 1879.

"(*e*) notices given under section 74, or section 76, of the Bombay Land revenue Code, 1879, of relinquishment of occupancy by occupants, or of alienated land by holders of such land."

(*2*) In section 91, for the word and letter "and (*c*)" the letters and word "(*c*) and (*e*)" shall be substituted.

(*3*) The said Act shall be construed as if the amendments made in it by this section had been made at the time the Act came into force.

ACT No. X OF 1886.[a]

Received the Governor General's assent on the 12th March, 1886.

An Act to amend the Code of Criminal Procedure, 1882, and certain other Acts.

X of 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882, and certain other Acts; It is hereby enacted as follows:—

Code of Criminal Procedure, 1882.

Amendment of section 31 of the Code of Criminal Procedure.

1. In the last paragraph of section 31 of the Code of Criminal Procedure, 1882, for the words "any sentence of imprisonment for a term exceeding three years" the words "any sentence of imprisonment for a term exceeding four years, and any sentence of transportation," shall be substituted.

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[a] Ss. 1 to 19 and 21 to 25 of this Act have been declared in force in the Sonthal Pergunnahs by Reg. III of 1872, s. 3, as amended by Reg III of 1886, s. 2, and ss. 21 to 25 in Upper Burma (except the Shan States) by Act XX of 1886, s. 6 (*1*).

Substitution of new section for section 34.

2. For section 34 of the same Code the following shall be substituted, namely :—

Higher powers of certain District Magistrates.

"34. The Court of a District Magistrate, specially empowered under section 30, may pass any sentence authorized by law, except a sentence of death or of transportation for a term exceeding seven years or of imprisonment for a term exceeding seven years; but any sentence of imprisonment for a term exceeding four years, and any sentence of transportation, shall be subject to confirmation by the Sessions Judge."

Addition to section 55 and section 56.

3. After section 55 of the same Code, and after section 56 thereof, the following shall be added, namely :—

"This section applies to the police in the towns of Calcutta and Bombay."

Amendment of sections 88 and 514.

4. In sections 88 and 514 of the same Code, after the words "District Magistrate" the words "or Chief Presidency Magistrate" shall be inserted.

Amendment of section 110.

5. In section 110 of the same Code, for the words "Subdivisional Magistrate or Magistrate of the first class specially empowered in this behalf by the Local Government" the words "or Subdivisional Magistrate, or a Magistrate of the first class specially empowered in this behalf by the Local Government" shall be substituted.

Amendment of section 162.

6. In section 162 of the same Code the word "shall" shall be inserted before the words "be used".

Amendment of section 173

7. In section 173 of the same Code the following shall be substituted for the second paragraph, namely :—

"Where a superior officer of police has been appointed under section 158, the report shall, in any cases in which the Local Government by general or special order so directs, be submitted through that officer, and he may, pending the orders of the Magistrate, direct the officer in charge of the police-station to make further investigation."

Amendment of section 266.

8. In section 266 of the same Code, for the word and figures "section 307" the words and figures "sections 276 and 307" shall be substituted.

Amendment of section 269.

9. For the second paragraph of section 269 of the same Code the following shall be substituted, namely :—

"When the accused is charged at the same trial with several offences of which some are and some are not triable by jury, he shall be tried by jury for such of those offences as are triable by jury, and by the Court of Session, with the aid of the jurors as assessors, for such of them as are not triable by jury."

10. For section 398 of the same Code the following shall be substituted, namely :— Substitution of new section for section 398.

"398. (*1*) Nothing in section 396 or section 397 shall be held to excuse any person from any part of the punishment to which he is liable upon his former or subsequent conviction. Provisions supplemental to sections 35, 396 and 397.

"(*2*) When an award of imprisonment in default of payment of a fine is annexed to a substantive sentence of imprisonment, or to a sentence of transportation or penal servitude for an offence punishable with imprisonment, and the person undergoing the sentence is, after its execution, to undergo a further substantive sentence, or further substantive sentences, of imprisonment, transportation or penal servitude, effect shall not be given to the award of imprisonment in default of payment of the fine until the person has undergone the further sentence or sentences."

11. (*1*) For the third paragraph of section 401 of the same Code the following shall be substituted, namely :— Amendment of section 401.

"If any condition on which a sentence has been suspended or remitted is, in the opinion of the Governor General in Council or of the Local Government, as the case may be, not fulfilled, the Governor General in Council or the Local Government may cancel the suspension or remission, and thereupon the person in whose favour the sentence has been suspended or remitted may, if at large, be arrested by any police-officer without warrant and remanded to undergo the unexpired portion of the sentence."

(*2*) After the third paragraph of the same section the following shall be inserted, namely :—

"The condition on which a sentence is suspended or remitted under this section may be one to be fulfilled by the person in whose favour the sentence is suspended or remitted, or one independent of his will."

12. After section 475 of the same Code the following sections shall be inserted, namely :— New sections to follow section 475.

"475A. The Governor General in Council may direct that any person whom the Local Government has ordered under this chapter to be confined in a lunatic asylum, jail or other place of safe custody, shall be removed from the place where he is confined to any lunatic asylum, jail or other place of safe custody in British India. Power of Governor General in Council to order criminal lunatics confined by order of Local Government to be removed from one province to another.

Power of Local Government to relieve Inspector General of certain functions.

"475B. The Local Government may empower the officer in charge of the jail in which a person is confined under the provisions of section 466 or section 471 to discharge all or any of the functions of the Inspector General of Prisons under section 472, section 473 or section 474."

Amendment of section 495.

13. (*1*) For the first sentence of section 495 of the same Code the following shall be substituted, namely :—

"Any Magistrate inquiring into or trying any case may permit the prosecution to be conducted by any person other than an officer of police below a rank to be prescribed by the Local Government in this behalf with the previous sanction of the Governor General in Council."

(*2*) After the last sentence of the same section the following shall be added, namely :—

"An officer of police shall not be permitted to conduct the prosecution if he has taken any part in the investigation into the offence with respect to which the accused is being prosecuted."

Amendment of section 510.

14. In section 510 of the same Code, for the word "the" before the words "Chemical Examiner" where those words first occur, the word "any" shall be substituted.

New section to follow section 541.

15. After section 541 of the same Code the following shall be inserted, namely :—

Removal to criminal jail of accused or convicted persons who are in confinement in civil jail, and their return to the civil jail.

"541A. (*1*) If any person liable to be imprisoned or committed to custody under this Code is in confinement in a civil jail, the Court or Magistrate ordering the imprisonment or committal may direct that the person be removed to a criminal jail.

"(*2*) When a person is removed to a criminal jail under sub-section (*1*), he shall, on being released therefrom, be sent back to the civil jail, unless either—

"(*a*) three years have elapsed since he was removed to the criminal jail, in which case he shall be deemed to have been discharged from the civil jail under section 342 of the Code of Civil Procedure; or XIV of 1882.

"(*b*) the Court which ordered his imprisonment in the civil jail has certified to the officer in charge of the criminal jail that he is entitled to be discharged under section 341 of the Code of Civil Procedure."

Addition of new section after section 558.

16. After section 558 of the same Code the following section shall be added, namely :—

Officers concerned in sales not to purchase or bid for property.

"559. A public servant having any duty to perform in connection with the sale of any property under this Code shall not purchase or bid for the property."

17. In Schedule II of the same Code, between the two lines of entries against section 211 of the Indian Penal Code the following shall be inserted, namely :— Correction of omission in Schedule II.

XLV of 1860.

Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"If offence charged be punishable with imprisonment for seven years.	Ditto .	Ditto .	Ditto .	Ditto .	Imprisonment of either description for seven years and fine.	Court of Session, Presidency Magistrate or Magistrate of the first class."

18. In the same schedule, for section 225A and the line of entries against that section the following shall be substituted, namely :— Further amendment of Schedule II.

Column 1.	Column 2.	Column 3.	Column 4.	Column 5.	Column 6.	Column 7.	Column 8.
"225A.	Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for—						
	(*a*) in case of intentional omission or sufferance;	Shall not arrest without warrant.	Ditto .	Bailable	Ditto	Imprisonment of either description for three years, or fine, or both.	Court of Session, Presidency Magistrate or Magistrate of the first class.
	(*b*) in case of negligent omission or sufferance.	Ditto .	Summons.	Ditto .	Ditto	Simple imprisonment for two years or fine, or both.	Presidency Magistrate or Magistrate of the first or second class.
"225B	Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.	May arrest without warrant.	Warrant	Ditto .	Ditto .	Imprisonment of either description for six months or fine, or both.	Ditto." do.

19. In the part of Schedule III of the same Code entitled "*IV.—Ordinary Powers of a Subdivisional Magistrate*", the following shall be inserted after the second article, namely :— Correction of omission in Schedule III.

"(2A) Power to require security for good behaviour, section 110."

Bombay District Police Act, 1867.

Amendment of Bombay District Police Act.

20. The last nine words of section 23 of the Bombay District Police Act, 1867, are hereby repealed. Bom. VII of 1867.

Indian Penal Code.

Amendment of sections 40 and 64 of the Indian Penal Code.

21. (*1*) In the second clause of section 40 of the Indian Penal Code, between the figures "66" and "71" the figures "67" shall be inserted. XLV of 1860.

(*2*) In the second clause of section 64 of the same Code, after the word "punishable" the words "with imprisonment or fine, or" shall be inserted.

Amendment of section 75 the Indian Penal Code.

22. In section 75 of the same Code, for the words "or to double the amount of punishment" to the end of the section, the following shall be substituted, namely :—

"or to imprisonment of either description for a term which may extend to ten years."

Addition to section 216 of the Indian Penal Code.

23. After the first paragraph of section 216 of the same Code the following shall be inserted, namely :—

"'Offence' in this section includes also any act or omission of which a person is alleged to have been guilty out of British India which, if he had been guilty of it in British India, would have been punishable as an offence, and for which he is, under any law relating to extradition, or under the Fugitive Offenders Act, 1881, or otherwise, liable to be apprehended or detained in custody in British India; and every such act or omission shall, for the purposes of this section, be deemed to be punishable as if the accused person had been guilty of it in British India." 44 & 45 Vict., cap. 69.

Substitution of new sections for section 225A of the Indian Penal Code, and repeal of section 651 of the Code of Civil Procedure.

24. (*1*) For section 225A of the same Code the following sections shall be substituted, namely :—

Omission to apprehend, or sufferance of escape, on part of public servant in cases not otherwise provided for.

"225A. Whoever, being a public servant legally bound as such public servant to apprehend, or to keep in confinement, any person in any case not provided for in section 221, section 222 or section 223, or in any other law for the time being in force, omits to apprehend that person or suffers him to escape from confinement, shall be punished—

"(*a*) if he does so intentionally, with imprisonment of either description for a term which may extend to three years, or with fine, or with both; and

"(*b*) if he does so negligently, with simple imprisonment for a term which may extend to two years, or with fine, or with both.

Resistance or obstruction to lawful apprehension, or escape or rescue, in cases not otherwise provided for.

"225B. Whoever, in any case not provided for in section 224 or section 225 or in any other law for the time being in force, intentionally offers any resistance or illegal obstruction to the lawful apprehension of himself or of any other person, or escapes or attempts to escape from any custody in which he is lawfully detained, or rescues or attempts to rescue any other person from any custody in which that person is lawfully detained, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine, or with both."

XIV of 1882. (2) Section 651 of the Code of Civil Procedure is hereby repealed.

Prisoners' Act, 1871.

V of 1871. 25. For sections 30, 31 and 32 of the Prisoners' Act, 1871, the following shall be substituted, namely:—

Substitution of new sections for sections 30, 31 and 32 of the Prisoners' Act.

Removal from one jail to another in territories under same Local Government.

"30. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for keeping the peace or maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Local Government, or (subject to its orders and under its control) the Inspector General of Prisons, may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment within the territories subject to the same Local Government.

X of 1882.

Removal of lunatic prisoners.

"31. (*1*) Whenever it appears to the Local Government that any person detained or imprisoned under any order or sentence of any Magistrate or Court is of unsound mind, that Government, by a wararnt setting forth the grounds of belief that the person is of unsound mind, may order his removal to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, there to be kept and treated as the Local Government directs during the remainder of the term for which he has been ordered or sentenced to be detained or imprisoned, or. if on the expiration of that term it is certified by a medical officer that it is necessary for the safety of the prisoner or others that he should be further detained under medical care or treatment, then until he is discharged according to law.

"(*2*) When it appears to the Local Government that the prisoner has

become of sound mind, that Government, by a warrant directed to the person having charge of the prisoner, shall, if the prisoner is still liable to be kept in custody, remand him to the prison from which he was removed or to another prison within the territories subject to the same Local Government, or, if the prisoner is no longer liable to be kept in custody, order him to be discharged.

"(*3*) The provisions of section 9 of Act XXXVI of 1858 (*relating to Lunatic Asylums*) shall apply to every person confined in a lunatic asylum under sub-section (*1*) after the expiration of the term for which he was ordered or sentenced to be detained or imprisoned; and the time during which a prisoner is confined in a lunatic asylum under that sub-section shall be reckoned as part of the term of detention or imprisonment which he may have been ordered or sentenced by the Magistrate or Court to undergo.

"(*4*) In any case in which a Local Government is competent under sub-section (*1*) to order the removal of a prisoner to a lunatic asylum or other place of safe custody within the territories subject to the same Local Government, the Governor General in Council may order his removal to any lunatic asylum or other place of safe custody in any part of British India; and the provisions of this section respecting the custody, detention, remand and discharge of a prisoner removed by order of a Local Government shall, so far as they can be made applicable, apply to a prisoner removed by order of the Governor General in Council.

Removal of prisoners from territories under one Local Government to territories under another.

"32. When any person is, or has been, sentenced to imprisonment by any Court, or, in default of giving security for maintaining good behaviour, has been committed to, or is detained in, prison under section 123 of the Code of Criminal Procedure, 1882, the Governor General in Council may order his removal during the period for which he has been sentenced to imprisonment or the security has been ordered to be given, as the case may be, from the jail or place in which he is confined to any other jail or place of imprisonment in British India." X of 1882.

THE INDIAN TRAMWAYS ACT, 1886.

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ACT No. XI OF 1886.

Received the Governor General's assent on the 12th March, 1886.

An Act to facilitate the construction and to regulate the working of Tramways.

WHEREAS it is expedient to facilitate the construction and to regulate the working of tramways; It is hereby enacted as follows:—

Preliminary.

Short title and commencement

1. (*1*) This Act may be called the Indian Tramways Act, 1886; and

(*2*) It shall come into force at once.

2. (*1*) It extends in the first instance to the whole of British India, except the territories administered by the Governor of Fort Saint George in Council, the Governor of Bombay in Council and the Lieutenant-Governor of Bengal. Local extent.

(*2*) But the Governor of Fort Saint George in Council, the Governor of Bombay in Council or the Lieutenant-Governor of Bengal may, by notification in the official Gazette, extend this Act to the whole or any part of the territories under his administration.[a]

3. In this Act, unless there is something repugnant in the subject or context,— Definitions.

(*1*) "local authority" means a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(*2*) "road" means the way of a road, street, thoroughfare, passage or place along or across which a tramway authorized under this Act is, or is intended to be, laid, and includes the surface-soil and subsoil of a road, and the footway, berms, drains and ditches of a road, and any bridge, culvert or causeway forming part of a road:

(*3*) "road-authority", in relation to a road, means—

(*a*) if a local authority maintains and repairs the road, then that authority;

(*b*) if a local authority does not maintain and repair the road, and the road is neither vested in Her Majesty nor maintained and repaired by the Government, then the person in whom the road is vested; and

(*c*) if a local authority does not maintain and repair the road, and the road is vested in Her Majesty or maintained and repaired by the Government, then the Local Government:

(*4*) "circle", in relation to a local authority or road-authority, means the area within the control of that authority:

(*5*) "tramway" means a tramway, or any part of a tramway, or any siding, turnout, connection, line or track belonging to a tramway:

(*6*) "order" means an order authorizing the construction of a tramway under this Act, and includes a further order substituted for, or amending, extending or varying, that order:

(*7*) "promoter" means a local authority or person in whose favour an order has been made, and includes a local authority or person on whom the

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[a] The Act has been extended to the whole of Bombay, except the city of Bombay, and the town of Karáchi and its suburbs—see Bombay Gazette, 10th November, 1887, Pt. I, p. 899; it has also been extended to the city of Madras—see Fort St. George Gazette, 27th August, 1886, Pt. I, p. 750.

rights and liabilities conferred and imposed on the promoter by this Act and by the order and any rules made under this Act as to the construction, maintenance and use of the tramway, have devolved :

(*8*) "undertaking" includes all moveable and immoveable property of the promoter suitable to and used by him for the purposes of the tramway :

(*9*) "carriage", in the case of a tramway on which steam-power or any other mechanical power is used, includes an engine worked on the tramway for the purpose of producing that power :

(*10*) "toll" includes any charge leviable in respect of the use of a tramway :

(*11*) "lessee" means a person to whom a lease has been granted of the right of user of a tramway and of demanding and taking the authorized tolls :

(*12*) "District Magistrate" includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area all or any of the functions of a District Magistrate under this Act :

(*13*) "District Court" means a principal Civil Court of original jurisdiction, and includes a High Court having ordinary original civil jurisdiction :

(*14*) "Collector" means the chief officer in charge of the revenue-administration of a district, and includes an officer empowered by the Local Government by name or by virtue of his office to discharge within any local area the functions of a Collector under this Act : and

(*15*) "prescribed" means prescribed by rules made by the Local Government under this Act.

Orders authorizing the Construction of Tramways.

Application for and consent necessary to making of order.

4. (*1*) The Local Government may make an order authorizing the construction of a tramway in a circle on application made—

(*a*) by the local authority of the circle with the consent of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not itself the road-authority ; or

(*b*) by any person with the consent of the local authority of the circle, and of the road-authority of any road or part of a road which is to be traversed by the tramway and of which the local authority is not the road-authority :

Provided that, if any part of the proposed tramway is to traverse land which is not included within the limits of a municipality or of a cantonment, the Local Government shall not make the order without the previous sanction of the Governor General in Council.

(*2*) A local authority shall not make an application for an order or be

deemed to consent to an application being made by any person for an order, unless the making of the application or the giving of the consent has been approved by the local authority in manner prescribed.

Consent of local or road authority not necessary in certain cases.

5. When it is proposed to lay a tramway in two or more circles, and a local authority or road-authority having control in either or any of the circles does not consent thereto, or attaches conditions to its consent, the Local Government may, nevertheless, make an order authorizing the construction of the tramway in the circle, or by the order impose on the promoter any conditions which it deems fit, if, after considering the reasons of the authority for withholding its consent or attaching the conditions thereto, it is satisfied that the construction of the tramway in the circle is expedient, or, as the case may be, that the conditions attached by the authority to its consent ought not to be imposed.

Procedure for making order.

6. (*1*) The Local Government on receiving an application shall consider it, and, if satisfied as to the propriety of proceeding thereon, publish in the official Gazette, and in such other manner as it deems sufficient for giving information to persons interested, a draft of a proposed order authorizing the construction of the tramway.

(*2*) A notice shall be published with the draft stating that any objection or suggestion which any person may desire to make with respect to the proposed order will, if submitted to the Local Government on or before a date to be specified in the notice, be received and considered.

(*3*) If, after considering any objections or suggestions which may have been made with respect to the draft on or before the date so specified, the Local Government is of opinion that the application should be granted, with or without addition or modification, or subject or not to any restriction or condition, it may make an order accordingly.

(*4*) Every order authorizing the construction of a tramway shall be published in the official Gazette in English, and in the other prescribed language or languages, if any; and that publication shall be conclusive proof that the order has been made as required by this section.

Contents of order.

7. (*1*) An order made under section 6 shall empower the promoter therein specified to construct and maintain the tramway therein described in the manner therein provided, and shall specify the time within which the tramway shall be commenced and the time within which it shall be completed and opened for public traffic.

(*2*) The order may also provide, in manner consistent with this Act, for all or any of the following, among other matters, that is to say :—

(*a*) a period before the expiration of which the tramway shall not be com-

menced, and the conditions subject to which the local authority, when it is not itself the promoter, may, within that period, elect to be substituted in the place of the promoter in respect of the undertaking or of so much thereof as is within its circle; and the limits of time within which, and the terms upon which, the local authority may, after the tramway has been constructed, require the promoter to sell to it the undertaking or so much thereof as is within its circle;

(*b*) the acquisition by the promoter of land for the purposes of the tramway, and the disposal by him of land which has been acquired but is no longer required for those purposes;

(*c*) the conditions subject to which roads may be opened and broken up for the purposes of the construction or maintenance of the tramway or any part thereof, and the method of, and materials to be used in, the reinstating of the roads, and the approval of the method and materials by the Local Government or the road-authority before the commencement of the work;

(*d*) the conditions on which the tramway may be constructed over a bridge or across a railway or tramway when the carriageway over the bridge is to form part of the tramway or when the tramway is to cross a railway or another tramway on the level;

(*e*) the space which shall ordinarily intervene between the outside of the carriageway on either side of a road whereon the tramway is to be constructed and the nearest rail of the tramway, and the conditions on which a smaller space may be permitted;

(*f*) the gauge of the tramway; the rails to be used, and the mode in which, and the level at which, they shall be laid and maintained; and the adoption and application by the promoter of such improvements in the rails, and in their situation, and in the sub-structure upon which they rest, as the Local Government may from time to time require;

(*g*) the portion of the road or roads traversed by the tramway to be kept in repair by the promoter; the maintenance by the promoter to the satisfaction of the Local Government or the road-authority, or both, of that portion of the road or roads; and the liability of the promoter, on the requisition of the Local Government, from time to time to adopt and apply such improvements in the tramway as the Local Government may consider necessary or desirable for the safety or convenience of the public, and to alter the position or level of the tramway to suit future alterations in the road or roads;

(*h*) the application of material excavated by the promoter in the construction or maintenance of the tramway;

(*i*) the provision of such crossings, passing-places, sidings, junctions and other works, in addition to those specified in or authorized by the order, as may from time to time be necessary or convenient to the efficient working of the tramway;

(*j*) the powers which may from time to time be exercised by the Local Government, the local authority, the road-authority or any person in respect of sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway; the notice (if any) to be given of the intended exercise of those powers; the manner in which the powers shall be exercised; and the extent to which the tramway and the traffic thereon may be interfered with in the exercise thereof;

(*k*) the conditions subject to which the promoter may from time to time interfere with, or alter or require the alteration of the position of, drains (not being sewers or main drains), telegraph-lines, gas-pipes, water-pipes or other things as aforesaid;

(*l*) the provision of a temporary tramway in place of a part of a tramway which has been removed, or of which the use has been discontinued, by reason of the execution of any work affecting a road along which the part of the tramway was laid, or by reason of the use of the road being interrupted by floods or other cause;

(*m*) the motive power to be used on the tramway, and the conditions on which steam-power or any other mechanical power may be used;

(*n*) the nature, dimensions, fittings, appliances and apparatus of the carriages to be used on the tramway, and the inspection and examination thereof by officers of the Local Government or the local authority, and the liability of the promoter or lessee, on the requisition of the Local Government, from time to time, to adopt and apply such improvements in the carriages, and in the fittings, appliances and apparatus, as the Local Government may consider necessary or desirable for the safety or convenience of the public;

(*o*) the traffic which may be carried on the tramway, the traffic which the promoter or lessee shall be bound to carry, and the traffic which he may refuse to carry; the tolls to be leviable by the promoter or lessee, and the periodical revision thereof by the Local Government; and the regulation of the traffic and of the levy of the tolls;

(*p*) the use of the tramway free of toll by the local authority, with its own carriages, for specified purposes, during specified hours, with power to the local authority to make such sidings and other works as may be necessary for communication between its premises and the tramway;

(*q*) the conditions subject to which the promoter may transfer the undertaking, or any part thereof, by sale, mortgage, lease, exchange or otherwise; and the conditions subject to which the local authority may be the transferee;

(*r*) the performance by the Local Government or by the local authority or road-authority of any work required by the Act or the order to be done by the promoter; and

(*s*) the penalty to be incurred by the promoter or lessee for failure to observe any condition or direction contained in the order, and the application of the penalty when recovered.

(*3*) The Local Government may, in providing in the order for the acquisition of land for the purposes of a tramway of which the promoter is not a company, direct that land may be acquired for the promoter under the provisions of the Land Acquisition Act, 1870, in the same manner and on the same conditions as it might be acquired for the purposes of the tramway if a company were the promoter. X of 1870.

(*4*) The order shall imply the condition—

(*a*) in the case of a tramway of which a local authority is the promoter, that a lease thereof shall be granted only in manner by this Act provided; and

(*b*) in the case of a tramway of which a local authority is not the promoter, that a lease thereof shall be only of the right of user and of demanding and taking the authorized tolls, and shall not confer or impose on the lessee any of the powers or duties of the promoter in respect of the construction or maintenance of the tramway.

Further order.

8. (*1*) The Local Government may, on the application of the promoter, revoke, amend, extend or vary the order by a further order.

(*2*) An application for a further order shall be made in the same manner and subject to the same conditions as an application for an order.

(*3*) The Local Government may, in its discretion, either grant or reject the application.

(*4*) If it grants the application, it shall make the further order in the same manner as an order, except that no addition to, or modification of, the rights, powers and authorities asked for in the application, or restriction or

condition with respect thereto, shall be made or imposed by the further order without the consent in writing of the promoter.

Power to authorize joint work by local authorities.

9. (*1*) Subject to, and in accordance with, the provisions of this Act, the Local Government may, on a joint application, or on two or more separate applications, make an order empowering two or more local authorities, respectively, jointly to construct the whole, or separately to construct parts, of a tramway, and jointly or separately to own the whole or parts thereof.

(*2*) All the provisions of this Act which relate to the construction of tramways shall extend and apply to the construction of the whole and the separate parts of the tramway, and the form of the order may be adapted to the circumstances of the case.

Cessation of powers given by an order.

10. (*1*) If a promoter authorized by an order to construct a tramway—

(*a*) does not within the time specified in the order substantially commence the construction of the tramway, or

(*b*) having commenced the construction, suspends it without a reason sufficient in the opinion of the Local Government to warrant the suspension, or

(*c*) does not within the time specified in the order complete the tramway and open it for public traffic,

the following consequences shall ensue:—

(i) the powers given by the order to the promoter for constructing the tramway and otherwise in relation thereto shall, unless the Local Government, by special direction in writing, prolongs the time or condones the suspension, cease to be exercised except as to so much of the tramway as is then completed;

(ii) as to so much of the tramway as is then completed, the Local Government may either permit, or refuse to permit, the powers given by the order to continue;

(iii) if the Local Government refuses to permit the powers to continue, then so much of the tramway as is then completed may be dealt with, under the provisions of this Act relating to the discontinuance of tramways, as a tramway of the working whereof the discontinuance has been proved to the satisfaction of the Local Government.

(*2*) A notification published by the Local Government in the official Gazette to the effect that on a date specified in the notification the construction of a tramway had not been substantially commenced or a tramway had not been completed and opened for public traffic, or that the construction of a

tramway had been suspended without sufficient reason, shall, for the purposes of this section, be conclusive proof of the matter stated therein.

Construction and Maintenance of Tramways.

Mode of formation of tramway.

11. A tramway shall be constructed and maintained in the manner provided by the order.

Inspection of tramway before opening.

12. A tramway, or portion or extension of, or addition to, a tramway, shall not be opened for public traffic until an engineer appointed in this behalf by the Local Government has inspected it and certified it to be fit for such traffic.

Agreement between road-authority and promoter as to repair of roadway.

13. Subject to the provisions of any order for the time being in force with respect to the matters mentioned in section 7, sub-section (*2*), clause (*g*), the road-authority and the promoter may from time to time enter into agreements as to the keeping in repair of the whole or a part of a road traversed by a tramway, and as to the proportion to be paid by either of them of the expense of keeping the road or part in repair.

Traffic on Tramways.

Rights of promoters and the public over tramways.

14. (*1*) The promoter of a tramway shall, subject to the provisions of sub-section (*2*) and to the other provisions of this Act and of the order, have the exclusive use of the tramway for carriages with flange-wheels or other wheels suitable to run on the rail described in the order as the rail to be used on the tramway:

Provided that nothing in this Act or in the order or any rule made under this Act shall affect the right of any person authorized to use a tramway or railway to pass across a tramway constructed under this Act with carriages having wheels suitable to run on the rail thereof.

(*2*) The public shall have a right to pass along or across any part of a road along or across which a tramway is constructed, whether on or off the tramway, with carriages not having flange-wheels or other wheels suitable to run on the rail of the tramway:

Provided—

(*a*) that this sub-section shall not apply where the tramway is constructed on land the right to the exclusive possession of which has been acquired by the promoter; and

(*b*) that the Local Government may by an order authorize the construction of a tramway on any part of a road with rails raised above the surface of the road, if it is satisfied that the convenience of the public will not be injuriously affected thereby.

15. (*1*) The promoter or lessee may demand and take, in respect of the tramway, tolls not exceeding the limits specified in or determinable under the order, or, if the order contains no provision in this behalf, then such sums as may from time to time be fixed by the promoter or lessee with the previous sanction of the Local Government.

Tolls leviable by promoter or lessee.

(*2*) A list of all the tolls authorized to be levied shall be exhibited, in such languages as the District Magistrate may direct, in a conspicuous place inside and outside each of the carriages used upon the tramway.

16. (*1*) A person shall not be entitled to carry or to require to be carried, on a tramway constructed under this Act, any goods of a dangerous or offensive nature.

Carriage of dangerous or offensive goods.

(*2*) A person taking such goods with him on the tramway shall, before entering the carriage, give notice of their nature to the servant of the promoter or lessee in charge of the carriage.

(*3*) A person sending such goods by the tramway shall distinctly mark their nature on the outside of the package containing them, or otherwise give notice thereof in writing to the servant of the promoter or lessee with whom he leaves them for the purpose of their being sent by the tramway.

(*4*) Any servant of the promoter or lessee may refuse to carry upon the tramway a parcel which he suspects to contain goods of a dangerous or offensive nature, and, if any such parcel has been received for the purpose of being carried upon the tramway, may stop the transit thereof until he is satisfied as to the nature of its contents.

(*5*) Where a servant of the promoter or lessee refuses under sub-section (*4*) to carry a parcel which has been received for the purpose of being carried upon the tramway, he shall, as soon as may be, give notice of his refusal to the consignor or consignee if he refuses at a time when neither of them is present.

Licenses to use Tramways.

17. If, at any time after a tramway or part of a tramway has been for three years opened for public traffic in a circle, the local authority of the circle represents in writing to the Local Government that the public is deprived of the full benefit of the tramway or of the part thereof, the Local Government may, if after considering any statement which the promoter or lessee or both may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, grant a license to any person to use the tramway conformably to this Act and to the order and the rules made under this Act, subject to the following provisions, namely :—

Grant to third parties of licenses to use tramway in certain events.

(*a*) the license shall be for a period not less than one year or more than

three years from the date of the license, but the Local Government may in its discretion renew it;

(*b*) the license shall be to use the whole of the tramway for the time being opened for public traffic, or such part or parts of the tramway as the Local Government, having regard to the cause for granting the license, thinks fit;

(*c*) the license shall specify the number of carriages which the licensee shall run upon the tramway, the mode in which, and times at which, the carriages shall be run, the tolls to be paid to the promoter or lessee by the licensee for the use of the tramway, and the tolls, being those for the time being leviable by the promoter or lessee, which the licensee may demand and take for the use of his carriages;

(*d*) the licensee and his officers and servants shall permit one person, duly authorized for that purpose by the promoter or lessee, to travel free of toll in or upon each carriage of the licensee run upon the tramway for the whole or any part of a journey;

(*e*) any provision of this Act, or of the order or rules made under this Act, relating to the functions of a servant of a promoter or lessee shall be construed, so far as may be, as referring to a servant of the licensee; and

(*f*) the Local Government may revoke, alter or modify the license for any cause sufficient in its opinion to warrant the revocation, alteration or modification thereof.

Licensee to give to promoter or lessee an account of traffic.

18. A licensee shall, on demand, give to an officer or servant authorized in that behalf by the promoter or lessee an exact account in writing, signed by the licensee, of the number of passengers, or number or quantity of goods, conveyed by any and every carriage used by him on the tramway.

Discontinuance of Tramways.

Cessation of powers of promoter and lessee on discontinuance of tramway.

19. If it is proved to the satisfaction of the Local Government, at any time after the opening of a tramway for public traffic, that the working of the tramway, or any part thereof, has been practically discontinued, for the space of three months, without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance, the Local Government, if it thinks fit, may, by notification in the official Gazette, declare that the powers of the promoter and of the lessee, if any, in respect of the tramway or the part thereof of which the working has been so discontinued, shall, from the date of the notification, be at an end; and thereupon the said powers shall cease and deter-

mine, except in so far as they may be purchased by a local authority in manner by this Act provided.

Powers of road-authority on cessation of powers of promoter.

20. (*1*) Where a notification has been published under section 19, the road-authority may, at any time after the expiration of two months from the date of the notification, remove the tramway or part of the tramway of which the working has been so discontinued, and use the materials thereof in reinstating the road.

(*2*) The promoter shall pay to the road-authority the cost incurred by that authority in removing the tramway or the part thereof and in reinstating the road.

(*3*) The cost shall be certified by an officer of the road-authority, and his certificate, countersigned by the District Magistrate, shall be conclusive proof as to the cost incurred.

(*4*) If the promoter does not pay the amount so certified within one month after the delivery to him of the certificate or of a copy thereof, the road-authority may, without any previous notice to the promoter and without prejudice to any other remedy which it may have for the recovery of the amount, sell and dispose of such materials of the tramway or part thereof removed as it has not used in reinstating the road, either by public auction or by private sale, and for such sum or sums, and to such person or persons, as it thinks fit, and may, out of the proceeds of the sale, pay and reimburse itself the amount of the cost aforesaid and of the expenses of the sale, and shall pay over the residue (if any) of the proceeds of the sale to the promoter.

Insolvency of Promoter.

Proceedings in case of insolvency of promoter.

21. (*1*) If, at any time after the opening of a tramway in a circle for public traffic, it appears to the road-authority or local authority of the circle that the promoter of the tramway is insolvent, so that he is unable to maintain the tramway, or to work it with advantage to the public, and either of those authorities makes a representation to that effect to the Local Government, the Local Government may, if after considering any statement which the promoter may desire to make, and after such further enquiry as it deems necessary, it is satisfied as to the truth of the representation, declare, by notification in the official Gazette, that the powers of the promoter shall, at the expiration of six months from the publication of the notification, be at an end; and the powers of the promoter shall cease and determine at the expiration of that period, except in so far as they may be purchased by a local authority in manner by this Act provided.

(*2*) Where a notification has been published under sub-section (*1*), the

road-authority may, at any time after the expiration of six months from the date thereof, remove the tramway in the same manner, and subject to the same provisions as to the payment of the cost of the removal and to the same remedy for recovery of the cost, in every respect as in cases of removal under section 20.

Purchase of Tramways.

Future purchase of undertaking by local authority.

22. (*1*) Where the promoter of a tramway in a circle is not the local authority, the local authority, with the previous sanction of the Local Government, may—

(*a*) within such limits of time as may be specified in this behalf in the order, or

(*b*) if a time was not specified in the order, then within six months after the expiration of a period of twenty-one years from the date of the order, and within six months after the expiration of every subsequent period of seven years, or

(*c*) within two months after the publication of a notification under section 19 or within six months after the publication of a notification under section 21,

by notice in writing, require the promoter to sell to the local authority his undertaking or the part thereof which is within the circle of the local authority; and thereupon the promoter shall sell the same upon the terms specified in the order, or, if the terms were not specified in the order, then upon the terms of paying the then value of the undertaking or of the part thereof, exclusive of any allowance for past or future profits of the undertaking or any compensation for compulsory sale or other consideration whatsoever.

(*2*) A requisition shall not be made under sub-section (*1*) unless the making thereof has been approved by the local authority in manner prescribed.

(*3*) When a sale has been made under this section, all the rights, powers and authorities of the promoter in respect of the undertaking or part thereof sold, or, where a notification has been published under section 19 or section 21, all the rights, powers and authorities of the promoter previous to the publication of the notification in respect of the undertaking or part thereof sold, shall be transferred to the authority to whom the undertaking or part has been sold, and shall vest in, and may be exercised by, that authority in the same manner as if the tramway had been constructed by it under an order made under this Act.

(*4*) Subject to, and in accordance with, the preceding provisions of this

section, two or more local authorities may jointly purchase an undertaking or so much thereof as is within their circles.

Working of Tramways owned by Local Authorities.

Lease of, or working of, tramway by local authority.

23. (*1*) When a local authority has under the authority of an order completed a tramway, or has under the provisions of this Act or of an order acquired possession of a tramway, it may, by a lease to be approved by the Local Government, let to any person the right of user of the tramway and of demanding and taking the authorized tolls.

(*2*) On the determination of a lease the local authority may from time to time let the right for such further term and on such conditions as the Local Government may approve.

(*3*) Every lease made under this section shall imply a condition of re-entry if at any time after the making thereof it is proved to the satisfaction of the Local Government that the lessee has practically discontinued the working of the tramway leased, or of any part thereof, for the space of one month without a reason sufficient, in the opinion of the Local Government, to warrant the discontinuance.

(*4*) Notice of the intention of the local authority to make a lease shall be given in manner prescribed.

(*5*) If the local authority cannot by means of a lease obtain what it deems to be a fair rent for the tramway, it may itself, with the previous sanction of the Local Government and for such term as the Local Government directs, place and run carriages upon the tramway, and demand and take the authorized tolls in respect of the use of the carriages.

Rules.

Power to make rules.

24. (*1*) In addition to any other power to make rules expressly or by implication conferred by this Act, the Local Government may make rules consistent with this Act—

(*a*) as to the form in which an application for an order shall be made;

(*b*) as to the costs to be paid by an applicant in respect of an order, and the time when, and the place where, those costs shall be paid;

(*c*) as to the payment of money or lodgment of securities, by way of deposit, by the applicant for an order before the order is published under section 6, sub-section (*4*), or a further order is made under section 8; the investment of money so paid; the disposal of interest or dividends from time to time accruing due on money or securities

so paid, lodged or invested; the application of the money or securities or the produce thereof to the discharge of any liability incurred by the promoter; and the forfeiture, repayment or return of the money or securities;

(*d*) as to the plans and sections of any works to be deposited by applicants for orders or by promoters;

(*e*) for regulating the use of steam-power or any other mechanical power on a tramway;

(*f*) as to any matter specified in section 7, sub-section (*2*), clauses (*c*), (*d*), (*e*), (*j*) and (*k*), as a matter which may be provided for in an order, when that matter has not been so provided for, or has not, in the opinion of the Local Government, been effectually so provided for;

(*g*) as to the periodical submission, by promoters, lessees and licensees, of accounts of traffic and receipts to the Local Government or as that Government directs, and as to the forms in which those accounts are to be submitted;

(*h*) as to the accidents of which report is to be made to the Local Government or as that Government directs;

(*i*) as to any matter respecting which rules may be made under this section by a local authority or a promoter or lessee; and,

(*j*) generally, as to any other matter or thing in respect of which it may seem to the Local Government to be expedient to make rules for carrying out the purposes of this Act.

(*2*) A local authority may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made by the Local Government under this Act for regulating—

(*a*) the rate of speed to be observed in travelling upon a tramway within the circle of the local authority;

(*b*) the use of animal power on the tramway;

(*c*) the distances at which carriages using the tramway are to be allowed to follow one after the other;

(*d*) the stopping of carriages using the tramway, and the notice to be given to the public of their approach;

(*e*) the manner in which carriages using the tramway after sunset and before sunrise are to be lighted;

(*f*) the traffic on roads along or across which the tramway is laid;

(*g*) the number of passengers which may be carried in any carriage;

(*h*) the licensing and control of drivers, conductors and other persons having charge of the carriages of the promoter or lessee or a licensee; and

(*i*) generally, the mode of use of the tramway.

(*3*) The promoter or lessee of a tramway may, from time to time, with the previous sanction of the Local Government, make rules consistent with this Act and with the order and any rules made under this Act—

(*a*) for preventing the commission of any nuisance in or upon any carriage, or in or against any premises, belonging to him; and

(*b*) for regulating the travelling in any carriage belonging to him.

(*4*) The Local Government may cancel any rule made by a local authority or by a promoter or lessee under this section.

Power to impose penalty by rule.

25. The authority making any rule under section 24 may direct that a breach of it shall be punishable with fine which may extend—

(*a*) if the authority making the rule is the Local Government, to two hundred rupees, and

(*b*) if that authority is a local authority or a promoter or lessee, to twenty rupees;

and when the breach is a continuing breach, with a further fine which may extend—

(*c*) if the authority making the rule is the Local Government, to fifty rupees, and

(*d*) if that authority is a local authority or a promoter or lessee, to five rupees,

for every day after the first during which the breach continues.

Procedure for making, and publication of, rules.

26. (*1*) Every authority having power to make rules under any section of this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made, in the case of rules made by the Local Government, in such manner as may in its opinion be sufficient for giving information to persons interested, and, in the case of rules made by a local authority or by a promoter or lessee, in manner prescribed.

(*3*) There shall be published with the draft a notice specifying a date, not aerlier than the expiration of one month after the date of publication, at or after which the draft will be taken into consideration.

(*4*) The authority shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) The publication in the official Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

Offences.

Penalty for failure of promoter, lessee or licensee to comply with Act or order.

27. If a promoter—

(*a*) constructs or maintains a tramway otherwise than in accordance with the order, or

(*b*) opens the tramway for traffic, or permits it to be so opened, before it has been inspected and certified in manner required by section 12, or

(*c*) fails to observe any requirement or condition of the order for neglect or breach whereof no penalty has been expressly provided in the order,

or if a promoter, lessee or licensee runs a carriage on a tramway otherwise than in accordance with the order,

he shall (without prejudice to the enforcement of specific performance of the requirements of this Act or of the order, or to any other remedy which may be obtained against him in a Court of Civil Judicature), on complaint made by the Local Government or by the local authority or road-authority or by the District Magistrate or, with the preivous sanction of the District Magistrate, by any person injuriously affected by the act or omission, be punished with fine which may extend to two hundred rupees, and in the case of a continuing offence to a further fine which may extend to fifty rupees for every day after the first during which the offence continues to be committed.

Penalty for obstructing promoter in exercise of his powers.

28. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully obstructs any person acting under the authority of the promoter in the lawful excercise of his powers in constructing or maintaining a tramway, or injures or destroys any mark made for the purpose of setting out the line of the tramway, he shall be punished with fine which may extend to fifty rupees.

Penalty for interfering with tramway.

29. If any person without lawful excuse, the burden of proving which shall lie upon him, wilfully does any of the following things, namely :—

(*a*) interferes with, removes or alters any part of a tramway constructed under this Act, or of the works connected therewith, or

(*b*) places or throws upon or across any such tramway any wood, stone, refuse or other thing, or

(*c*) does anything in such a manner as to obstruct any carriage using any such tramway, or

(*d*) abets within the meaning of the Indian Penal Code the doing of, or attempts to do, anything mentioned in clause (*a*), clause (*b*) or clause (*c*), XLV of 1860.

he shall (without prejudice to any other remedy which may be obtained against him in a Court of Civil Judicature) be punished with fine which may extend to one hundred rupees.

Penalty for using tramway with carriage having flange-wheels.

30. If any person, except under a lease from, or by agreement with, the promoter, or under license from the Local Government granted under this Act, uses on a tramway, otherwise than as permitted by section 14, a carriage having flange-wheels or other wheels suitable to run on the rail of the tramway, he shall be punished with fine which may extend to two hundred rupees.

Penalty for evading payment of proper toll.

31. (*1*) If any person travelling or having travelled in a carriage of the promoter or lessee or of a licensee evades or attempts to evade payment of toll, or if any person having paid toll for a certain distance wilfully proceeds in any such carriage beyond that distance and does not pay the additional toll for the additional distance or attempts to evade payment thereof, or if any person wilfully refuses or neglects on arriving at the point to which he has paid toll to quit the carriage, he shall be punished with fine which may extend to ten rupees.

(*2*) When a person commits an offence under this section and refuses on demand of a servant of the promoter, lessee or licensee to give his name and residence, or gives a name or residence which the servant has reason to believe to be false, he may be arrested and taken to the nearest police-station by the servant or any person whom the servant may call to his aid.

(*3*) When the person is taken to the police-station he shall with the least possible delay be forwarded to the nearest Magistrate, unless his true name and residence are ascertained, in which case he shall be released on his executing a bond for his appearance before a Magistrate if so required.

Penalty for taking or sending dangerous or offensive goods without giving notice.

32. If any person takes or sends by a tramway any goods of a dangerous or offensive nature without giving the notice required by section 16, he shall be punished with fine which may extend to fifty rupees.

Penalty for licensee not giving to promoter or lessee an account of traffic or giving false account.

33. (*1*) If a licensee fails on demand to give the account mentioned in section 18, or, with intent to evade the payment of tolls, gives a false account when he is called upon to give an account under that section, he shall be punished with fine which may extend to fifty rupees.

(*2*) The fine shall be in addition to any tolls payable by the licensee to the promoter or lessee in respect of the passengers or goods conveyed by the carriage or carriages used by the licensee on the tramway.

Saving of prosecutions

34. Nothing in this Act shall prevent a person from being prosecuted under any other law for an act or omission which constitutes an offence

under other laws.

against this Act or the rules made under it, or from being liable under that other law to any other or higher punishment or penalty than that provided by this Act or the rules made under it:

Provided that a person shall not be punished twice for the same offence.

Settlement of Differences.

Differences between promoters or lessees and authorities.

35. (*1*) If any difference arises between the promoter or lessee on the one hand and the Local Government, or the local authority, or the road-authority, or a person having the charge of any sewers, drains, telegraph-lines, gas-pipes, water-pipes or other things in or on land occupied by the tramway, on the other hand, with respect to any interference or control exercised or claimed to be exercised by, or on behalf of, either party by virtue of this or any other Act, or of the order or the rules made under this Act, or with respect to the propriety of, or the mode of, the execution of any work, or with respect to any compensation to be made by or to the promoter or lessee, or on the question whether any work is such as ought reasonably to satisfy the Local Government or the road-authority or both, or with respect to any other subject or thing regulated by, or comprised in, this Act or the order or the rules made under this Act, and not otherwise expressly provided for therein, the matter in difference shall, except where the parties elect to proceed under section 523 of the Code of Civil Procedure, be settled, on the application of either party, by a referee. XIV of 1882.

(*2*) Where the difference is—

(*a*) between the promoter or lessee on the one hand and the Local Government, either as such or as the road-authority, on the other, or

(*b*) between the promoter on the one hand and the local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority has required the promoter to sell under section 22,

the referee shall be the District Court within the jurisdiction of which the tramway is situate, or where the tramway is within the jurisdiction of more than one District Court, the District Court within the jurisdiction of which the greater part of the tramway is situate.

(*3*) In other cases the referee shall be appointed by the Local Government.

(*4*) Except where the referee is the District Court, the powers and procedure of the referee may be prescribed.

(*5*) In the case of a difference between a promoter on the one hand and a local authority on the other, with respect to the sum to be paid by the local authority for an undertaking or part of an undertaking which that authority

has required the promoter to sell under section 22, an appeal shall lie to the High Court from the award of the referee as from an original decree of the District Court.

(*6*) In the case of every other difference the award of the referee shall be final.

Recovery of Tolls.

Recovery of moneys due from promoters and, in certain cases, from lessees.

36. Any of the following moneys, namely, any rent due to a local authority from a lessee, any penalty recoverable from a promoter or lessee under an order, any sum payable by a promoter or lessee under an award of a referee, the cost of the performance under this Act by the Local Government or by a local authority or road-authority of any work required by this Act or by an order to be done by a promoter, and the cost incurred by a road-authority in removing a tramway and reinstating a road under this Act, may, without prejudice to any other remedy that the authority to which the money is due may have by suit or otherwise, be recovered by that authority, on application made in this behalf to the Collector, as if the sum due were an arrear of land-revenue due by the promoter or lessee or his surety (if any):

Provided that nothing in this section shall authorize the arrest of the promoter or lessee or his surety in execution of any process issued by the Collector.

Recovery of tolls from licensees.

37. (*1*) If a licensee fails to pay on demand the tolls due for the use of a tramway, the promoter or lessee to whom the tolls are due may, without prejudice to the remedy which he may have by suit, apply to a Magistrate to recover the amount of the tolls, and the Magistrate may, after giving notice to the licensee if possible and allowing him an opportunity of being heard, proceed to recover the amount by distress and sale of any carriages or other moveable property of the licensee which may be found on the tramway or on premises connected therewith.

(*2*) When a licensee has failed to pay on demand the tolls due from him, the promoter or lessee to whom the tolls are due may seize any carriage or other moveable property of the licensee on the tramway or on premises connected therewith, and detain the same for forty-eight hours unless the tolls are sooner paid.

(*3*) When application is made to a Magistrate under sub-section (*1*), he may make an interim order of distraint pending his final decision.

Recovery of tolls from passengers.

38. Any toll due to a promoter, lessee or licensee from a passenger may be recovered either by suit or, on application to a Magistrate having jurisdiction within any local area in which any part of the tramway is laid, by distress

and sale of any moveable property belonging to the passenger within the local limits of the jurisdiction of the Magistrate.

Savings.

Promoter to have right of user only.

39. (*1*) Notwithstanding anything contained in this Act, or in an order or any rule made under this Act, a promoter shall not acquire any right other than that of user only over a road along or across which he lays a tramway, nor shall anything contained in this Act, or in an order or any rule made under this Act, exempt the promoter of a tramway, or any other person using the tramway, from the payment of such charges as may lawfully be levied in respect of the use of a road or bridge along or across which the tramway is laid.

(*2*) The Local Government may, if it thinks fit, fix rates at which a promoter, lessee or licensee may compound for the charges payable in respect of the use of a road or bridge.

Saving of power over roads traversed by tramways.

40. (*1*) Nothing in this Act, or in an order or any rule made under this Act, shall take away or abridge any power which a road-authority, local authority or other person has by law to break up, widen, alter, divert or improve a road, railroad or tramway along or across which a tramway is laid.

(*2*) The road-authority, local authority or other person executing any work referred to in sub-section (*1*) shall not be liable to pay to a promoter, lessee or licensee any compensation for injury done to a tramway by the execution of the work or for loss of traffic occasioned by the reasonable use of any power lawfully exercised for the execution thereof.

Saving of power of local authority and police to regulate traffic on roads.

41. Nothing in this Act, or in an order or any rule made under this Act, shall affect the powers of a local authority or of a Magistrate or police-officer to regulate the passage of traffic along or across a road along or across which a tramway is laid; and the authority, Magistrate or officer aforesaid may exercise its or his powers as well on as off the tramway and with respect as well to the traffic of a promoter, lessee or licensee as to the traffic of other persons.

Supplemental Provisions.

Promoters, lessees and licensees to be responsible for all injuries.

42. A promoter, lessee or licensee shall be answerable for all injuries happening through his act or default, or through the act or default of any person in his employment, by reason or in consequence of any of his carriages or works, and shall save harmless all authorities and persons collectively and individually, and their officers and servants, from all damages and costs in respect of injuries so happening.

Want of funds not a

43. For the purposes of this Act want of funds shall not be deemed to be

a sufficient reason for the suspension of the construction, or the discontinuance of the working, of a tramway by a promoter or lessee.

sufficient reason for default.

44. When a tramway is constructed under this Act within the limits of a municipality, the Local Government may exempt the animals, plant, rolling-stock, yards, workshops, engine-sheds and depôts of the promoter, lessee or licensee, for such period as it thinks fit, from all or any municipal taxes leviable within those limits.

Power to exempt from municipal taxation.

45. (*1*) The fund to or with the control or management of which the local authority of a municipality ,cantonment or district is entitled or entrusted shall, notwithstanding anything in any enactment respecting the purposes to which that fund may be applied, be applicable, subject to the control of the Local Government, to the payment of expenses incidental to the exercise of the powers and functions which may be vested in, or exercised by a local authority under this Act.

Application by local authorities of local funds to tramways.

(*2*) The fund shall also be applicable, with the previous sanction of the Local Government, to a guarantee of the payment of interest on money to be applied, with the concurrence in writing of the local authority, within the limits of the local area under its control, to any of the purposes to which the fund might be applied by the local authority under sub-section (*1*).

46. The Local Government may, with the consent of the local authority and road-authority and of the promoter and his lessee (if any), extend any part of this Act, or any rules made under this Act, either with or without modification, to the whole or any part of a tramway constructed, or authorized by the Local Government to be constructed, before the passing of this Act, and may withdraw any part of the Act or any rules so extended.

Extension of Act to existing tramways.

47. (*1*) A tramway of which the construction has not been authorized by the Local Government before the passing of this Act shall not, after the passing of this Act, be constructed for public traffic in any place to which this Act extends, except in pursuance of an order made under this Act.

Prohibition of construction of tramways except under this Act.

(*2*) A person constructing a tramway in contravention of sub-section (*1*) of this section,

or after the passing of this Act maintaining or using for public traffic, otherwise than in pursuance of an order made under this Act, a tramway which was not constructed, or authorized by the Local Government to be constructed, before the passing of this Act,

shall be liable, on the complaint of the Local Government or local authority, to double the penalty to which a promoter acting otherwise than in accordance with an order is liable under section 27.

Transfer of control on exclusion of local area from circle of local authority.

48. If at any time a local area comprising a tramway to which this Act or any part thereof or any rule thereunder applies ceases to be included in the circle of a local authority, the functions of that authority under this Act, or the part thereof or the rule thereunder, and under the order (if any), shall, in respect of that local area, devolve on the Local Government or, if that Government so directs, on the local authority of the circle in which the tramway has been included.

Explanation and amendment of section 54 of Railway Act.

49. (*1*) In section 54 of the Indian Railway Act, 1879, the word "tramway" shall have the meaning assigned to it by section 3 of this Act. IV of 1879.

(*2*) In the same section of that Act, after the words "by steam" the words "or other mechanical power" shall be added.

Powers of Local Government exerciseable from time to time.

50. All powers conferred by this Act on a Local Government may be exercised from time to time as occasion requires.

THE PETROLEUM ACT, 1886.

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THE SCHEDULE.

ACT No. XII OF 1886.

Received the Governor General's assent on the 12th March, 1886.

An Act to regulate the importation, possession and transport of Petroleum and other fluids of a like nature.

WHEREAS it is expedient to regulate the importation, possession and transport of petroleum and other fluids of a like nature; It is hereby enacted as follows:—

Preliminary.

1. (*1*) This Act may be called the Petroleum Act, 1886; and

(*2*) It shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, appoints.

Short title, commencement and local extent.

(*3*) The provisions of this Act relating to dangerous petroleum, and the importation of petroleum, extend to the whole of British India. The rest of this Act extends only to such local areas as the Local Government may from time to time, by notification in the official Gazette, direct.

(*4*) Any power conferred by this Act to make rules or issue orders may be exercised at any time after the passing of this Act; but a rule or order so made or issued shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the Petroleum Act, 1881, shall be repealed: VIII of 1881.

(*2*) But all notifications issued, rules made, licenses granted, powers conferred and certificates given under that Act shall, so far as may be, be deemed to have been issued, made, granted, conferred and given under this Act.

Definitions.

3. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

(*2*) "dangerous petroleum" means petroleum having its flashing point below seventy-six degrees of Fahrenheit's thermometer:

Provided that, when all or any of the petroleum on board a ship, or in the possession of a dealer, is declared by the master of the ship or the consignee of the cargo, or by the dealer, as the case may be, to be of one uniform quality, the petroleum shall not be deemed to be dangerous if the samples selected from the petroleum have their flashing points, on an average, at or above seventy-three degrees of Fahrenheit's thermometer, and if no one of those samples has its flashing point below seventy degrees of that thermometer:

(*3*) "import" means to bring into British India by sea or land,

and "importation" means the bringing into British India as aforesaid:

(*4*) "transport" means to remove from one place to another within British India: and

(*5*) "ships" includes anything made for the conveyance by water of human beings or property.

Matters supplemental to the definitions.

4. (*1*) The flashing point of petroleum means the lowest temperature at which the petroleum yields a vapour which will furnish a momentary flash or flame when tested in accordance with the directions in the schedule to this Act with an apparatus which has been stamped and certified as provided by this Act within a period of five years immediately preceding the date on which the apparatus is used for the testing, and after the corrections (if any) which the certificate declares are to be applied to the results of the testing have been made.

(*2*) Notwithstanding anything in the definitions of "import", "importation" and "transport", the Local Government, with the previous sanction of

the Governor General in Council, may from time to time, by notification in the official Gazette, declare—

(*a*) that petroleum imported into its territories from any part of British India, by sea or across intervening territory not being part of British India, shall, for all or any of the purposes of this Act, be deemed to be transported; and

(*b*) that petroleum transported into its territories from any place in British India shall, for all or any of those purposes, be deemed to be imported;

and thereupon the provisions of this Act, and of the rules made under this Act with respect to transport and import, respectively, shall apply to petroleum so imported or transported.

Dangerous Petroleum.

Dangerous petroleum in quantities exceeding 40 gallons.

5. (*1*) No quantity of dangerous petroleum exceeding forty gallons shall be imported or transported, or kept by any one person or on the same premises, except under, and in accordance with, the conditions of a license from the Local Government granted as next hereinafter provided.

(*2*) Every application for such a license shall be in writing, and shall declare—

(*a*) the quantity of the petroleum which it is desired to import, transport or possess, as the case may be;

(*b*) the purpose for which the applicant believes that the petroleum will be used; and

(*c*) that petroleum other than dangerous petroleum cannot be used for that purpose.

(*3*) If the Local Government sees reason to believe that the petroleum will be used for that purpose and that no petroleum other than dangerous petroleum can be used for the purpose, it may grant the license for the importation, transport or possession (as the case may be) of the petroleum, absolutely or subject to such conditions as it thinks fit.

Dangerous petroleum in quantities not exceeding forty gallons.

6. No quantity of dangerous petroleum equal to or less than forty gallons shall be kept or transported without a license:

Provided that nothing in this section shall apply in any case when the quantity of the petroleum kept by any one person or on the same premises, or transported, does not exceed three gallons, and the petroleum is placed in separate glass, stoneware or metal vessels, each of which contains not more than a pint and is securely stopped.

Vessels containing dangerous petroleum to be labelled.

7. Dangerous petroleum—

(*a*) which is kept at any place after seven days from the date on which it is imported, or

(*b*) which is transported, or

(*c*) which is sold or exposed for sale,

shall be contained in vessels having attached thereto a label in conspicuous characters stating the description of the petroleum, with the addition of the words "highly inflammable" and with the addition—

(*d*) in the case of a vessel kept, of the name and address of the consignee or owner;

(*e*) in the case of a vessel transported, of the name and address of the sender; and

(*f*) in the case of a vessel sold or exposed for sale, of the name and address of the vendor.

Petroleum generally.

Power for Local Government to make rules as to importation and refining of petroleum.

8. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act to regulate the importation of petroleum, and in particular—

(*a*) to determine the ports at which only petroleum may be imported;

(*b*) to ascertain the quantity and description of any petroleum on board any ship;

(*c*) to determine the places at which, and the conditions on and subject to which, petroleum may be discharged into boats, landed, transhipped or stored;

(*d*) to provide for the selection by an officer appointed by the Local Government in this behalf, and for the delivery to him, either after or before petroleum has been landed, of samples of all petroleum landed or intended to be landed;

(*e*) to provide, in the case of each consignment which is stated to be of one uniform quality, for the number of samples to be selected, and for the averaging of the results of the testing of those samples;

(*f*) to provide, where the results of the testing of the samples raise a doubt as to the uniformity of the quality of the petroleum in any such consignment, for the division of the consignment into lots, and for the selection and testing of samples of each lot, and for the treatment of the lot in accordance with the results of the testing of those samples;

(*g*) to fix fees for the sampling and testing of petroleum; and

(*h*) to fix fees for the storage of petroleum unless a body of port commissioners or other like body is empowered in that behalf.

(*2*) The Local Government, with the previous sanction of the Governor General in Council, may, with respect to any petroleum produced within its territories, make rules—

(*a*) to define the limits of the places where the petroleum is to be refined;

(*b*) to provide for the testing of the petroleum at or near those places; and

(*c*) to prevent the removal from those limits, otherwise than under the provisions of this Act applicable to dangerous petroleum, of petroleum which has not satisfied the tests prescribed by the rules.

Procedure after petroleum has been discharged or landed.

9. (*1*) Petroleum discharged into boats or landed in accordance with rules made under section 8, sub-section (*1*), shall not be removed from the boats or places in or at which it is stored until the samples selected therefrom in accordance with those rules have been tested by an officer appointed by the Local Government in this behalf in the manner described in the schedule to this Act, with an apparatus which has been stamped and certified as provided by this Act, and until the officer has given a certificate that the petroleum is not dangerous petroleum.

(*2*) If the officer after testing the samples refuses to give the certificate in respect of any petroleum, the Local Government may permit the consignee, within a time to be fixed by the Local Government in this behalf,—

(*a*) to rectify the petroleum,

(*b*) to apply for a license to import the petroleum as dangerous petroleum, or

(*c*) to re-export the petroleum.

(*3*) If the consignee does not within the time fixed under sub-section (*2*) avail himself of the permission granted under that sub-section, the petroleum may be disposed of as the Local Government directs.

(*4*) Notwithstanding anything in the foregoing portions of this section, the Local Government in its discretion may, where the officer has refused the certificate, direct that the petroleum be re-tested by another officer appointed by it in this behalf, and may, if that officer advises that the petroleum is not dangerous petroleum, authorize its removal from the boats or places in or at which it is stored.

Possession and transport of petroleum.

10. No quantity of petroleum exceeding five hundred gallons shall be kept by any one person or on the same premises or shall be transported except

under, and in accordance with the conditions of, a license granted under this Act.

Power to make rules as to possession and transport.

11. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may make rules consistent with this Act as to the granting of licenses to possess or transport petroleum in cases where such licenses are by law required.

(*2*) The rules may provide for the following among other matters, that is to say :—

in the case of licenses to possess petroleum—

(*a*) the nature and situation of the premises for which they may be granted, and

(*b*) the inspection of the premises and the testing of petroleum found thereon;

in the case of licenses to transport petroleum—

(*c*) the manner in which the petroleum is to be packed, the mode and time of transit, and the route by which it is to be taken, and

(*d*) the stoppage and inspection of it during transit;

in the case of both such licenses—

(*e*) the authority by which the license may be granted;

(*f*) the fee to be charged for it;

(*g*) the quantity of petroleum it is to cover;

(*h*) the conditions which may be inserted in it;

(*i*) the time during which it is to continue in force; and

(*j*) the renewal of the license.

(*3*) The Governor General in Council may make rules consistent with this Act as to the granting of licenses to transport petroleum from any part of British India to any other part of British India in cases where such licenses are by law required; and those rules may provide, among other matters, for those mentioned in sub-section (*2*) as matters for which rules made by a Local Government with respect to licenses to transport petroleum may provide.

Power to inspect and require dealer to sell samples.

12. Any officer specially authorized by name or by virtue of his office in this behalf by the Local Government may require any dealer in petroleum to show him any place and any of the vessels in which any petroleum in his possession is stored or contained, to give him such assistance as he may require for examining the same, and to deliver to him samples of the petroleum on payment of the value of the samples.

Notice to be given when officer proposes to test samples.

13. When any such officer has, in exercise of the powers conferred by section 12, or by purchase, obtained a sample of petroleum in the possession of a dealer, he may give a notice in writing to the dealer informing him that

he is about to test the sample or cause it to be tested with the apparatus and in the manner described in the schedule to this Act, at a time and place to be fixed in the notice, and that the dealer or his agent may be present at the testing.

Certificate as to result of testing.

14. On any such testing, if it appears to the officer or other person so testing that the petroleum from which the sample has been taken is or is not dangerous petroleum, the officer or other person may certify the fact, and the certificate so given shall be receivable as evidence in any proceedings which may be taken under this Act against the dealer in whose possession the petroleum was found, and shall, until the contrary is proved, be evidence of the fact stated therein; and a certified copy of the certificate shall be given free of charge to the dealer at his request.

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Penalties.

Penalty for illegal importation, possession or transport of petroleum.

15. Any person who, in contravention of this Act or of any rules made under this Act, imports, possesses or transports any petroleum, and any person who otherwise contravenes any such rules or any condition contained in a license granted under this Act, shall be punished with imprisonment for a term which may extend to one month, or with fine which may extend to five hundred rupees, or with both.

Penalty for keeping, transporting, selling or exposing for sale petroleum in contravention of section 7.

16. Any person keeping, transporting, selling or exposing for sale petroleum in vessels not labelled as prescribed by section 7 shall be punished with fine which may extend to five hundred rupees.

Penalty for refusing to to comply with section 12.

17. Any dealer in petroleum who refuses or neglects to show to any officer authorized under section 12 any place or any of the vessels in which petroleum in his possession is stored or contained, or to give him such assistance as he may require for examining the same, or to give him samples of the petroleum on payment of the value of the samples, shall be punished with fine which may extend to two hundred rupees.

Confiscation of petroleum.

18. In any case in which an offence under section 15 or section 16 has been committed, the convicting Magistrate may direct that—

(*a*) the petroleum in respect of which the offence has been committed, or

(*b*) where the offender is importing or transporting, or is in possession of, any petroleum exceeding the quantity (if any) which he is permitted to import, transport or possess, as the case may be, the whole of the petroleum which he is importing or transporting or is in possession of,

shall, together with the tins or other vessels in which it is contained, be confiscated.

Jurisdiction.

19. The criminal jurisdiction under this Act shall, in the towns of Calcutta, Madras and Bombay, be exercised by a Presidency Magistrate, and elsewhere by a Magistrate of the first class, or (where specially empowered by the Local Government to try cases under this Act) a Magistrate of the second class.

Test-apparatus.

Model test-apparatus.

20. A model of the apparatus for testing petroleum under this Act, constructed in accordance with the description contained in the schedule to this Act, shall be deposited in the office of the Chemical Examiner to Government, Calcutta, and be marked with the words "Model test-apparatus."

Verification of test-apparatus.

21. (*1*) The Chemical Examiner shall, on payment of such fee (if any) as the Governor General in Council may from time to time, by notification in the Gazette of India, prescribe, compare with the said model test-apparatus and verify every apparatus for testing petroleum which is submitted to him for the purpose.

(*2*) If any apparatus for testing petroleum, when compared and verified as provided by sub-section (*1*), is found correct, or correct subject to certain corrections to be applied to the results of the tests, the Chemical Examiner shall stamp the same with a special number, and with the date of the verification, and shall further give a certificate in writing under his hand, in a form to be prescribed by the Governor General in Council, to the effect that on the date aforesaid the apparatus was compared and verified by him and found to be correct, or correct subject to certain specified corrections to be applied to the results of the tests.

(*3*) A certificate granted under this section shall, until the contrary is proved, be conclusive proof of the matters stated therein.

(*4*) The Chemical Examiner shall keep a register, in a form to be prescribed by the Governor General in Council, of the certificates granted under this section.

(*5*) Subject to the payment of such fees as the Governor General in Council may, by notification in the Gazette of India, prescribe in this behalf, the said model test-apparatus shall be at all reasonable times open to inspection by any person desiring to inspect it.

Miscellaneous.

Power to

22. The Local Government may, from time to time, by notification in the

official Gazette, exempt from the operation of all or any of the provisions of this Act, or of all or any of the rules made under this Act, any petroleum which has its flashing point at or above one hundred and twenty degrees of Fahrenheit's thermometer and is imported as ordinary cargo and in quantity not exceeding that specified in the notification.

Local Government to exempt petroleum from operation of this Act.

23. The Governor General in Council may, from time to time, by notification in the Gazette of India, apply the whole or any portion of this Act to any inflammable fluid other than petroleum, and may by the notification fix, in substitution for the quantities of petroleum fixed by sections 5, 6 and 10, the quantities of the fluid to which those sections shall apply.

Power to apply this Act to other fluids.

24. The Governor General in Council may, from time to time, by notification in the Gazette of India and in the local official Gazette, limit, in any manner he deems fit, the operation of any enactment for the time being in force relating to municipalities in any local area or to any particular municipality, and the exercise of any power conferred by any such enactment, in so far as the enactment relates to the possession or transport of petroleum.

Power to limit operation of enactments relating to municipalities.

25. A notification made under this Act may be revoked or varied by the authority making it by a notification published in the same manner as the notification so revoked or varied.

Power to revoke or vary notifications.

26. (*1*) An authority making rules under this Act shall, before making the rules, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

Procedure for making and publication of rules.

(*2*) The publication shall be made in such manner as the Governor General in Council, from time to time, by notification in the Gazette of India, prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The authority making the rules shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*5*) A rule made under this Act shall not take effect if it is made by the Governor General in Council until it has been published in the Gazette of India, and if it is made by the Local Government until it has been published in the local official Gazette.

(*6*) The publication in the Gazette of a rule purporting to be made under this Act shall be conclusive proof that it has been duly made.

(*7*) All powers to make rules conferred by this Act may be exercised from time to time as occasion requires.

THE SCHEDULE.

I.—Nature of the Test-apparatus.

The apparatus consists of the following parts:—

(*1*) the oil-cup;

(*2*) the cover, with slide, test-lamp and clockwork arrangement for opening and closing the holes in the cover and for dipping the test-flame;

(*3*) the water-bath or heating vessel;

(*4*) the tripod stand, with jacket and spirit-lamp for heating the water-bath;

(*5*) the thermometer for indicating the temperature of the oil in the oil-cup;

(*6*) the thermometer for indicating the temperature of the water in the water-bath;

(*7*) the thermometer for indicating the temperature of the oil before it is poured into the oil-cup;

(*8*) the dropping bottle or *pipette* for replenishing the test-lamp; and

(*9*) a barometer standardised at the Meteorological Office of the province or at any other place appointed by the Local Government.

The oil-cup is a cylindrical flat-bottomed vessel, made of gun-metal or brass, and tinned or silvered inside. A gauge is fixed to the inside of the cup to regulate the height to which it is to be filled with the sample under examination.

The cup is provided with a close-fitting overlapping cover, which carries the thermometer, the test-lamp and the adjuncts thereto. The test-lamp is suspended upon two supports by means of trunnions, which allow it to be easily inclined to a particular angle and restored to its original position. The socket in the cover, which is to hold a round bulb thermometer for indicating the temperature of the oil during the testing operation, is so adjusted that the bulb of the latter is always inserted in a definite position below the surface of the liquid.

The cover is provided with three holes, one in the centre and two smaller ones close to the sides. These are closed and opened by means of a pivoted slide. When the slide is moved so as to uncover the holes, the suspended lamp is caught by a projection fixed on the slide, and tilted in such a way as to bring the end of the spout just below the surface of the lid. As the slide moves back so as to cover the holes, the lamp returns to its original position. Upon the cover, in front of and in a line with the nozzle of the lamp, is fixed

a white bead, the diameter of which represents the size of the test-flame to be used.

The water-bath or heating vessel is so constructed that, when the oil-cup is placed in position in it, an air-space or air-chamber intervenes between the two; consequently, in applying the test under ordinary circumstances, the heat is transmitted gradually to the oil from the hot water through the air-space. The water-bath is fitted with a socket for receiving a long bulb thermometer, to indicate the temperature of the water. It is also provided with a funnel, an overflow-pipe and two handles.

The water-bath rests upon a tripod stand, which is fitted with a copper cylinder or jacket, so that the bath is surrounded by an enclosed air-space, which retains and regulates the heat. One of the legs of the stand serves as a support for a spirit-lamp, which is attached to it by a small swing bracket.

The clockwork arrangement, by which during the operation of testing the slide is withdrawn, and the test-flame dipped into the cup and raised again as the slide is replaced, is provided with a ratchet key for setting it in action for each test, and with a trigger for starting it each time that the test-flame is applied.

II.—Directions for drawing the Sample and preparing it for testing.

1. *Drawing the sample.*—In all cases the testing officer or some person duly authorized by him shall personally superintend the drawing of the sample from an original unopened tin or other vessel.

An opening sufficiently large to admit of the oil being rapidly poured or syphoned from the tin or other vessel shall be made.

Two bottles, each of the capacity of about 40 fluid ounces, are to be filled with the oil. One of these, the contents of which is intended to be preserved for reference in case of need, is to be carefully corked, the cork being well driven home, cut off level with the neck, and melted sealing-wax worked into it. The other bottle may be either stoppered or corked.

Preparing the sample for testing.—About ten fluid ounces of the oil, sufficient for three tests, are transferred from the bottle into which the sample has been drawn to a pint flask or bottle, which is to be immersed in water artificially cooled until a thermometer, introduced into the oil, indicates a temperature not exceeding 50° Fahrenheit.

III.—Directions for preparing and using the Test-apparatus.

1. *Preparing the water-bath.*—The water-bath is filled by pouring water

into the funnel until it begins to flow out at the overflow-pipe. The temperature of the water at the commencement of each test, as indicated by the long bulb thermometer, is to be 130° Fahrenheit, and this is attained in the first instance by mixing hot and cold water, either in the bath or in a vessel from which the bath is filled, until the thermometer which is provided for testing the temperature of the water gives the proper indication; or the water is heated by means of the spirit-lamp (which is attached to the stand of the apparatus) until the required temperature is indicated.

2. *Preparing the test-lamp.*—The test-lamp is fitted with a piece of cylindrical wick of such thickness that it fills the wickholder, but may readily be moved to and fro for the purpose of adjusting the size of the flame. In the body of the lamp, upon the wick, which is coiled within it, is placed a small tuft of cotton wool, moistened with petroleum, any oil not absorbed by the wool being removed. When the lamp has been lighted, the wick is adjusted by means of a pair of forceps until the flame is of the size of the bead fixed on the cover of the oil-cup; should a particular test occupy so long a time that the flame begins to get smaller, through the supply of oil in the lamp becoming exhausted, three or four drops of petroleum are allowed to fall upon the tuft of wool in the lamp from the dropping bottle or *pippette* provided for that purpose. This can be safely done without interrupting the test.

3. *Filling the oil-cup.*—The oil-cup having been previously cooled, by placing it bottom downwards in water at a temperature not exceeding 50° Fahrenheit, is to be rapidly wiped dry, placed on a level surface in a good light, and the oil to be tested is poured in very slowly, without splashing, until its surface is level with the point of the gauge which is fixed in the cup. The round bulb thermometer is inserted into the lid of the cup, care being taken that the projecting rim of the collar touches the edge of the socket; the test-lamp, prepared as already described, is placed in position, and the cover is then put on to the cup and pressed down so that its edge rests on the rim of the cup.

4. *Application of the test.*—The water-bath, with its thermometer in position, is placed in some locality where it is not exposed to currents of air, and where the light is sufficiently subdued to admit of the size of the entire test-flame being compared with that of the bead on the cover. The cup is carefully lifted without shaking it, and placed in the bath, the test-lamp is lighted, and the clockwork wound up by turning the key. The thermometer in the oil-cup is now watched, and when the temperature has reached 56° Fahrenheit the clockwork is set in motion by pressing the trigger.

If no flash takes place the clockwork is at once re-wound, and the trigger

pressed at 57° Fahrenheit, and so on, at every degree rise of temperature, until the flash occurs, or until a temperature of 95° Fahrenheit has been reached.

If the flash takes place at any temperature below 77° Fahrenheit the temperature at which it occurs is to be recorded. The fresh portions of the sample are then to be successively tested in a similar manner and the results recorded. If no greater difference than 2° Fahrenheit exists between any two of the three recorded results, each result is to be corrected for atmospheric pressure, as hereafter described, and the average of the three corrected results is the flashing point of the sample. In the event of there being a greater difference than 2° Fahrenheit between any two of the results, the series of tests is to be rejected and a fresh series, of three, similarly obtained, and so on until a sufficiently concordant series is furnished, when the results are to be corrected and the average taken in the manner already described.

No flash which takes place within eight degrees of the temperature at which the testing is commenced shall be accepted as the true flashing point of the sample tested. In the event of a flash occurring at or below 64° when the test is applied in the manner above described, the next testing shall be commenced ten degrees lower than the temperature at which the flash had been previously obtained (that is to say, at 54° or thereunder), and this procedure shall be continued until the results of three consecutive tests do not show a greater difference than 2°.

If a temperature of 76° Fahrenheit has been reached without a flash occurring, the application of the test-flame is to be continued at every degree rise of temperature until a temperature of 95° Fahrenheit has been reached. If no flash has occurred up to this point, and if the petroleum is declared to be imported subject to the provisions of the Act, the tests shall not be continued, and the testing officer shall certify that the petroleum has a flashing point over 95° and is not dangerous. But if the petroleum is oil ordinarily used for lubricating purposes and is declared to have its flashing point at or above 200°, or is oil to which a notification of the Local Government exempting it from the operation of the Act will be applicable in the event of the flashing point being found to be at or above 120°, the test shall be continued as follows :—The oil-cup is to be removed from the water-bath, and the temperature of the water in the water-bath is to be reduced to 95° Fahrenheit by pouring cold water into the funnel (the hot water escaping by the overflow-pipe). The air-chamber is then to be filled to a depth of 1½ inches with water at a temperature of about 95° Fahrenheit, the oil-cup is to be replaced in the water-bath and the spirit-lamp attached to the water-bath is to be lighted and placed underneath. The test-flame is then to be again applied, from 96° Fah-

renheit, at every degree rise of temperature as indicated by the thermometer in the oil-cup until a flash takes place or until a temperature of 200° Fahrenheit, or 120° Fahrenheit as the case may be, has been reached. If during this operation the test-flame appears to diminish in size, the lamp is to be replenished in the manner prescribed at (2) without interrupting the test.

If a flash occurs at any temperature between 76° and 200° Fahrenheit, the temperature at which it occurs, subject to correction for atmospheric pressure, is the flashing point of the sample.

In repeating a test a fresh sample of oil must always be used, the tested sample being thrown away, and the cup must be wiped dry from any adhering oil and cooled, as already described, before receiving the fresh sample.

5. *Correction for atmospheric pressure.*—As the flashing point of an oil is influenced by changes in atmospheric pressure to an average extent of 1·6° Fahrenheit for every inch of the barometer, a correction of the observed flashing point may become necessary. The height of the barometer must therefore be determined at the time of making the test for the flashing point. The true height of the barometer for the purpose of the test shall be considered to be the height of the column of mercury measured at 32° Fahrenheit, which is supported by the air pressure at the time of the experiment; that is, the actual height of the barometer at the time of observation duly corrected for any error of the instrument and for its temperature if necessary. For the purpose of applying the correction to the flashing point of the oil obtained by the test, a table is appended to this schedule, giving the flashing points of oils ranging from 65° to 80° Fahrenheit, under pressure ranging from 27 to 31 inches of mercury.

The table is used in the following manner:—

Example.—An oil has given a flashing point of 71°, the barometer being at 28·6 inches; take the nearest number to 71° in the vertical column headed 28·6. This number is 70·8. Substitute for this the number in the same horizontal line in the column headed 30 (the normal height of the barometer). The substituted number—that is, the true flashing point of the oil—is 73°.

Table for correction of Flashing Points indicated by the Test for Variations in Barometric Pressure on either side of Thirty Inches.

Barometer in Inches.																				
27	27·2	27·4	27·6	27·8	28	28·2	28·4	28·6	28·8	29	29·2	29·4	29·6	29·8	30	30·2	30·4	30·6	30·8	31
Flashing Point in Degrees Fahrenheit.																				
60·2	60·5	60·8	61·2	61·5	61·8	62·1	62·4	62·8	63·1	63·4	63·7	64	64·4	64·7	65	65·3	65·6	66	66·3	66·6
61·2	61·5	61·8	62·2	62·5	62·8	63·1	63·4	63·8	64·1	64·4	64·7	65	65·4	65·7	66	66·3	66·6	67	67·3	67·6
62·2	62·5	62·8	63·2	63·5	63·8	64·1	64·4	64·8	65·1	65·4	65·7	66	66·4	66·7	67	67·3	67·6	68	68·3	68·6
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65·2	65·5	65·8	66·2	66·5	66·8	67·1	67·4	67·8	68·1	68·4	68·7	69	69·4	69·7	70	70·3	70·6	71	71·3	71·6
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67·2	67·5	67·8	68·2	68·5	68·8	69·1	69·4	69·8	70·1	70·4	70·7	71	71·4	71·7	72	72·3	72·6	73	73·3	73·6
68·2	68·5	68·8	69·2	69·5	69·8	70·1	70·4	70·8	71·1	71·4	71·7	72	72·4	72·7	73	73·3	73·6	74	74·3	74·6
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70·2	70·5	70·8	71·2	71·5	71·8	72·1	72·4	72·8	73·1	73·4	73·7	74	74·4	74·7	75	75·3	75·6	76	76·3	76·6
71·2	71·5	71·8	72·2	72·5	72·8	73·1	73·4	73·8	74·1	74·4	74·7	75	75·4	75·7	76	76·3	76·6	77	77·3	77·6
72·2	72·5	72·8	73·2	73·5	73·8	74·1	74·4	74·8	75·1	75·4	75·7	76	76·4	76·7	77	77·3	77·6	78	78·3	78·6
73·2	73·5	73·8	74·2	74·5	74·8	75·1	75·4	75·8	76·1	76·4	76·7	77	77·4	77·7	78	78·3	78·6	79	79·3	79·6
74·2	74·5	74·8	75·2	75·5	75·8	76·1	76·4	76·8	77·1	77·4	77·7	78	78·4	78·7	79	79·3	79·6	80	80·3	80·6
75·2	75·5	75·8	76·2	76·5	76·8	77·1	77·4	77·8	78·1	78·4	78·7	79	79·4	79·7	80	80·3	80·6	81	81·3	81·6

THE INDIAN SECURITIES ACT, 1886.

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ACT No. XIII OF 1886.[a]

Received the Governor General's assent on the 19th March, 1886.

An Act to consolidate and amend the law relating to Government Securities.

WHEREAS it is expedient to consolidate and amend the law relating to Government securities; It is hereby enacted as follows:—

Short title and commencement.

1. (*1*) This Act may be called the Indian Securities Act, 1886; and

(*2*) It shall come into force on the first day of April, 1886.

(*3*) The power conferred on the Governor General in Council by section 7, sub-section (*1*), may be exercised at any time after the passing of this Act; but a notification issued in exercise of that power shall not take effect until the Act comes into force.

Repeal.

2. (*1*) On and from the day on which this Act comes into force, the Indian Securities Act, 1881, and the Indian Securities Act, 1885, shall be repealed. III of 1881. XIX of 1885.

[a] This Act has been declared in force in Upper Burma (except the Shan States) by Act XX of 1886, s. 6 (*1*).

(*2*) But any authority conferred, notification issued, list published or rule or order made under either of those Acts shall, so far as may be, be deemed to have been conferred, issued, published or made under this Act.

Definitions.

3. In this Act—

(*1*) "Government security" includes promissory notes, debentures, stock-certificates and all other securities issued by the Government of India or by any Local Government in respect of any loan contracted either before or after the passing of this Act, but does not include a stock-note or a currency-note : and

(*2*) "prescribed" means prescribed by rules made by the Governor General in Council.

Notice of trust not receivable.

4. No notice of any trust in respect of any Government security shall be receivable by the Government.

IX of 1872.

Right of survivors of joint payees of Government securities.

5. (*1*) Notwithstanding anything in the Indian Contract Act, 1872, section 45, when a Government security is payable to two or more persons jointly and either or any of them dies, the security shall be payable to the survivor or survivors of those persons.

(*2*) Nothing herein contained shall affect any claim which the representative of the deceased person may have against the survivor or survivors in respect of the security jointly payable to him or them and the deceased.

(*3*) This section shall apply whether the death of the person to whom the security was jointly payable occurred or occurs before or after this Act comes into force.

XXVI of 1881.

Prohibition of indorsements on allonges to Government securities.

6. Notwithstanding anything in section 15 of the Negotiable Instruments Act, 1881, the holder of a Government security shall not be said to indorse the security, or be called the indorser thereof, if, when he signs the same for the purpose of negotiation, he inscribes his signature for that purpose elsewhere than on the back of the security itself.

Holding of Government securities by holders for the time being of public offices.

7. (*1*) In the case of any public office to which the Governor General in Council may, from time to time, by notification in the Gazette of India, declare this sub-section to apply, a Government security may be made or indorsed payable to or to the order of the holder for the time being of the office by the name of the office.

(*2*) When a Government security is made or indorsed as aforesaid, it shall be deemed to be transferred without any or further indorsement from each holder for the time being of the office to the succeeding holder for the time being of the office on and from the date on which the latter takes charge of the office.

(*3*) When the holder for the time being of the office indorses to a third

party a Government security made or indorsed as aforesaid, he shall subscribe the indorsement with his name and the name of the office.

(*4*) A writing on a Government security now or heretofore standing in the name of the holder of a public office, whereby the security has been or was made or indorsed payable to or to the order of the holder of the office for the time being, shall not be deemed to be or to have been invalid by reason only of the payee or indorsee being the holder for the time being of a public office by the name of the office.

(*5*) This section applies as well to an office of which there are two or more joint holders as to an office of which there is a single holder.

Transfer and discharge of certificates and coupons.

8. (*1*) Whenever the Governor General in Council has issued, in respect of any loan, a certificate declaring the bearer thereof to be entitled to the portion of the loan therein expressed, or a coupon for any amount payable as interest on any portion of the loan, the title to the certificate or coupon may be transferred as if the certificate or coupon were a promissory note payable to bearer.

(*2*) On payment, by or on behalf of the Government, to the bearer of the certificate or coupon, of the amount expressed therein, at or after the date on which it becomes due, the Government shall be discharged as if the certificate or coupon were a promissory note payable to bearer.

Indorser of Government security not liable for amount thereof.

9. A person shall not, by reason only of his having indorsed a Government security, be liable to pay any money due, either as principal or as interest, thereunder.

Impression of signature on Government securities.

10. (*1*) The signature of the officer of the Government of India authorized to sign Government securities on behalf of the Government may be printed, engraved or lithographed, or impressed by such other mechanical process as the Governor General in Council may direct, on the securities.

(*2*) A signature so printed, engraved, lithographed or otherwise impressed shall be as valid as if it had been inscribed in the proper handwriting of the officer.

Issue of renewed securities.

11. A person claiming to be entitled to a Government security as payable to him under an indorsement may, on satisfying the prescribed officer of the justice of his claim and paying the prescribed fee and delivering the security duly receipted to the prescribed officer, obtain from the officer a renewed security issued payable to himself.

Issue of duplicate securities.

12. (*1*) When a Government security is alleged to have been wholly or partly lost or destroyed, and a person claims to be the person to whom but for the loss or destruction it would be payable, he may, on application to the

prescribed officer, and on producing proof to his satisfaction of the loss or destruction and of the justice of the claim, obtain from him an order for—

(*a*) the payment of interest in respect of the security said to be lost or destroyed pending the issue of a duplicate security; and

(*b*) the issue of a duplicate security payable to the applicant.

(*2*) An order shall not be passed under sub-section (*1*) until after the issue of the prescribed notification of the loss or destruction and after the expiration of the prescribed period, nor until the applicant has given the prescribed indemnity against the claims of all persons deriving title under the security lost or destroyed.

(*3*) A list of the securities in respect of which an order is passed under sub-section (*1*) shall be published in the Gazette of India at such times as the Governor General in Council may, from time to time, direct.

Period after which the Government is released from liability in respect of original security.

13. When a renewed security has been issued under section 11, or a duplicate security has been issued under section 12, the Government shall be discharged from all liability in respect of the original security of which the renewed or duplicate security has been issued—

(*a*) in the case of a renewed security, after the lapse of six years from the date of the issue of the renewed security;

(*b*) in the case of a duplicate security, after the lapse of six years from the date of the publication under section 12, sub-section (*3*), of the list in which the security is first mentioned, or from the date of the last payment of interest on the original security, whichever date is the later.

Power of Governor General in Council to make rules.

14. The Governor General in Council may, from time to time, make rules to prescribe—

(*a*) the mode in which payment of interest in respect of Government securities is to be recorded and acknowledged;

(*b*) the circumstances in which Government securities must be renewed before further payment of interest thereon can be claimed;

(*c*) the fees to be paid in respect of applications under sections 11 and 12;

(*d*) the form in which securities delivered for renewal are to be receipted;

(*e*) the officer who is to exercise all or any of the powers and perform all or any of the duties prescribed by sections 11 and 12;

(*f*) the proof which is to be produced by persons applying for duplicate securities;

(*g*) the form and mode of publication of the notification mentioned in section 12, and the period after which interest may be paid or a duplicate security may be issued under that section;

(*h*) the nature and amount of the indemnity to be given by a person applying under section 12 for the payment of interest or the issue of a duplicate security; and,

(*i*) generally, all matters connected with the grant of renewed and duplicate securities.

Publication of drafts and rules.

15. (*1*) The Governor General in Council shall, before making rules under section 14, publish a draft of the proposed rules in such manner as may, in his opinion, be sufficient for the information of the public.

(*2*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*3*) The Governor General in Council shall receive and consider any objection or suggestion which may be made by any person with respect to the draft before the date so specified.

(*4*) Every rule made under section 14 shall be published in the Gazette of India, and the publication in that Gazette of a rule purporting to be made under that section shall be conclusive proof that it has been duly made.

ACT No. XVIII OF 1886.[a]

Received the Governor General's assent on the 24th September, 1886.

An Act to amend Act XXXVI of 1858.

WHEREAS it is expedient to amend Act XXXVI of 1858 (*an Act relating to Lunatic Asylums*); It is hereby enacted as follows :—

New section inserted after section 6.

1. After section 6 the following shall be inserted, namely :—

Detention of supposed lunatics under observation.

"6 A. (*1*) Where a person found wandering at large who is deemed to be a lunatic, or where a person believed to be dangerous by reason of lunacy, is apprehended and sent to the Magistrate or the Commissioner of Police, or where, on report or information that a person deemed to be a lunatic is not under pro-

[a] This Act has been extended to Upper Burma (except the Shan States) under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Pt. I, p. 362, and Gazette of India, 11th idem, Pt. I, p. 371.

per care and control or is cruelly treated or neglected, the Magistrate or the Commissioner of Police sends for him and then determines to proceed as prescribed in section 4 of this Act, the Magistrate or the Commissioner of Police, on the request of the medical officer, may, by order in writing, authorize the detention of the supposed lunatic for such time, not exceeding ten days, as, in the opinion of the Magistrate or the Commissioner of Police, may be necessary to enable the medical officer to form an opinion on the question whether or not the supposed lunatic is a person with respect to whom a certificate in the form A in the schedule to this Act ought to be signed.

"(*2*) If the medical officer certifies further detention than has been authorized under sub-section (*1*) to be necessary to enable him to form his opinion on that question, the Magistrate or the Commissioner of Police may from time to time, by order in writing, authorize such further detention as he deems to be necessary:

"Provided that a supposed lunatic shall not be detained for the purpose of this section for a longer time than fourteen days from the date on which the first order authorizing his detention for that purpose is made.

"(*3*) The Executive Government may from time to time make rules as to the place of detention, and the care and treatment, of supposed lunatics detained under this section."

Amendment of section 9.

2. To section 9 the words "subject to the provisions of any enactment for the time being in force" shall be prefixed.

New sections to follow section 17.

3. After section 17 the following shall be inserted, namely:—

Provision for provinces not having asylums.

"17A. When an Executive Government has not established within its limits a public asylum for the reception and detention of lunatics under this Act, the Governor General in Council may from time to time appoint an asylum established in British India beyond those limits to be an asylum to which a Magistrate or Judge exercising jurisdiction within those limits may send lunatics as to an asylum established under this Act for the division in which his jurisdiction is situate.

Use of provincial asylums as presidency asylums for purposes of the Act

"17B. The Governor General in Council may from time to time, by order, direct, with respect to any part of British India which is not annexed to a presidency or, being annexed to the presidency of Fort William, Fort St. George or Bombay, is situated at a greater distance than three hundred miles from Calcutta, Madras or Bombay, respectively, that any lunatic asylum in British India named in the order shall be deemed for that part to be a lunatic asylum at the presidency for the purposes of this Act."

ACT No. I OF 1887.[a]

Received the Governor General's assent on the 14th January, 1887.

An Act for further shortening the language used in Acts of the Governor General in Council, and for other purposes.

WHEREAS it is expedient further to shorten the language used in Acts made by the Governor General in Council, and to make certain further provisions relating to those Acts and to Regulations under the Statute 33 Victoria, chapter 3, section 1; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the General Clauses Act, 1887; and

(*2*) It shall come into force at once.

PART I.

ADDITIONAL CLAUSES.

Application of this Part.

2. This Part shall apply to this Act and to all Acts made by the Governor General in Council under the Indian Councils Act, 1861, after the passing of this Act. 24 & 25 Vict., c. 67.

Definitions.

3. In any Act to which this Part applies, unless there is something repugnant in the subject or context,—

(*1*) "abet" with its grammatical variations and cognate expressions, shall have the same meaning as in the Indian Penal Code[b]: XLV of 1860.

(*2*) "Chapter", "Part" and "Schedule" shall denote, respectively, a Chapter and Part of, and Schedule to, the Act in which the word occurs:

(*3*) "sub-section" shall denote a sub-section of the section in which the word occurs:

(*4*) "commencement", used with reference to an Act, shall mean the day on which the Act comes into force:

(*5*) "financial year" shall mean the year commencing on the first day of April:

(*6*) "local authority" shall mean a municipal committee, district board, body of port commissioners or other authority legally entitled to, or entrusted by the Government with, the control or management of a municipal or local fund:

(*7*) "ship" shall include every description of vessel used in navigation not exclusively propelled by oars:

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[a] This Act has been extended to Upper Burma (except the Shan States) under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Part I, p. 362, and Gazette of India, 11th idem, Part I, p. 371.

[b] See s. 107 of Act XLV of 1860.

(*8*) "master", used with reference to a ship, shall mean any person (except a pilot or harbour-master) having for the time being control or charge of the ship:

(*9*) "offence" shall mean any act or omission made punishable by any law for the time being in force:

(*10*) "public nuisance" shall have the meaning assigned to that expression in section 268 of the Indian Penal Code:

(*11*) "registered" shall mean registered under the law for the time being in force for the registration of documents:

(*12*) "sign", with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include "mark," with its grammatical variations and cognate expressions:

(*13*) "value", used with reference to a suit, shall mean the amount or value of the subject-matter of the suit: and

(*14*) "write", with its grammatical variations and cognate expressions, shall include "print" and "lithograph", with their grammatical variations and cognate expressions.

Making of rules and issue of orders between passing and commencement of Act.

4. Where, by an Act to which this Part applies and which is not to come into force immediately on the passing thereof, a power is conferred on the Governor General in Council or on a Local Government or a High Court to make rules, or to issue orders with respect to the application of the Act, or with respect to the establishment of any Court or office or the appointment of any Judge or officer thereunder, or with respect to the person by whom, or the time when, or the place where, or the manner in which, or the fees for which, anything is to be done under the Act, the power may be exercised at any time after the passing of the Act, but rules or orders so made or issued shall not take effect till the commencement of the Act.

Powers to be exercisable by the Government from time to time.

5. Any power conferred on the Governor General in Council or on a Local Government by an Act to which this Part applies may be exercised from time to time as occasion requires.

Provisions applicable to making of rules after previous publication.

6. Where, by an Act to which this Part applies, a power to make rules is expressed to be given subject to the condition of the rules being made after previous publication, the following provisions shall apply, namely:—

(*1*) The authority having power to make the rules shall, before making them, publish a draft of the proposed rules for the information of persons likely to be affected thereby.

(*2*) The publication shall be made in such manner as that authority deems to be sufficient, or, if the condition with respect to previous publication so

requires, in such manner as the Governor General in Council or the Local Government prescribes.

(*3*) There shall be published with the draft a notice specifying a date at or after which the draft will be taken into consideration.

(*4*) The authority having power to make the rules, and, where the rules are to be made with the sanction, approval or concurrence of another authority, that authority also, shall consider any objection or suggestion which may be received by the authority having power to make the rules from any person with respect to the draft before the date so specified.

(*5*) The publication in an official Gazette of a rule purporting to have been made in exercise of a power to make rules after previous publication shall be conclusive proof that the rule has been duly made.

Computation of time.

7. (*1*) Where a limited time from any date or from the happening of any event is appointed or allowed, by an Act to which this Part applies, for the doing of any act or the taking of any proceeding in a Court or office, and the last day of the limited time is a day on which the Court or office is closed, then the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open.

(*2*) Where, by an Act to which this Part applies, any act or proceeding is directed or allowed to be done or taken in a Court or office on a certain day, then, if the Court or office is closed on that day, the act or proceeding shall be considered as done or taken in due time if it is done or taken on the next day afterwards on which the Court or office is open.

(*3*) This section does not apply to any act or proceeding to which the Indian Limitation Act, 1877, applies. XV of 1877.

Provisions as to offences under more than one enactment.

8. Where an act or omission constitutes an offence under two or more enactments of which either or any is an Act to which this Part applies, the offender shall be liable to be prosecuted and punished under either or any of those enactments, but shall not be liable to be punished twice for the same offence.

PART II.

Supplemental Provisions.

Amendment of section 3 (1), Act I, 1868.

9. The words "wholly or partially" shall be inserted before the word "repealed" in clause (*1*) of section 3 of the General Clauses Act, 1868, and shall be deemed to have been there from the commencement of that Act. I of 1868.

Application of this Act

10. The provisions of this Act and of the General Clauses Act, 1868, I of 1868.

shall, so far as they can be made applicable, apply to all Regulations which may receive the assent of the Governor General under the Statute 33 Victoria, chapter 3, section 1, after the commencement of this Act. and Act I, 1868, to Regulations under 33 Vict., c. 3, s. 1.

Act No. II of 1887.

Received the Governor General's assent on the 14th January, 1887.

An Act to amend the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882.

VIII of 1878. XXII of 1881. XI of 1882.

Whereas it is expedient to amend the Sea Customs Act, 1878, the Excise Act, 1881, and the Indian Tariff Act, 1882; It is hereby enacted as follows:—

Sea Customs Act, 1878.

Amendment of section 144.

1. (*1*) In clause (*b*) of the second paragraph of section 144 of the Sea Customs Act, 1878, there shall be inserted after the word "unless" the word "either" and after the word "destination" the following, namely:— VIII of 1878.

"or the delivery of the spirit into a warehouse appointed in this behalf by the Local Government having authority at that port."

(*2*) In the third paragraph of the same section of the same Act the following shall be substituted for the word "paid", namely:—

"so paid or the spirit so delivered."

Amendment of section 146.

2. In section 146 of the same Act, for the word "shall", in each of the two places where that word occurs, the word "may" shall be substituted.

Amendment of section 148.

3. (*1*) To section 148 of the same Act the following words shall be prefixed, namely:—

"Notwithstanding anything in the Indian Tariff Act, 1882,". XI of 1882.

(*2*) To the same section of the same Act the following shall be added, namely:—

"Provided that the Local Government may authorize the import of such spirit without the payment of that duty at the port of importation when the spirit is to be delivered into a warehouse appointed by the Local Government in this behalf, and the excise-duty thereon is to be paid on the removal of the spirit from a warehouse so appointed.

Amendment of section 151.

4. (*1*) To section 151 of the same Act the following words shall be prefixed, namely:—

"Notwithstanding anything in the Indian Tariff Act, 1882,". XI of 1882.

(*2*) After the same section of the same Act the following shall be added, namely :—

"Provided that the Local Government may authorize the import of such spirit without the payment of the differential duty at the port of importation when the spirit is to be delivered into a warehouse appointed by the Local Government in this behalf, and the differential duty is to be paid on the removal of the spirit from a warehouse so appointed."

Excise Act, 1881.

New section substituted for section 23.

5. For section 23 of the Excise Act, 1881, the following shall be substituted, namely :— XXII of 1881.

Spirit and fermented liquor from foreign territory subject to duty.

"23. (*1*) A person shall not bring into any territory to which this Act extends any spirit manufactured at any place in India beyond the limits of British India, until he has obtained a pass therefor from such officer as the Local Government from time to time appoints in this behalf, and has paid in respect thereof—

"(*a*) if the Local Government has fixed a duty under clause (*a*) of section 7 for like spirit manufactured in the part of the territory into which the spirit is to be brought, that duty, or

"(*b*) if the Local Government has not fixed a duty under that clause for like spirit manufactured in that part, a duty at such rate as the Local Government from time to time prescribes in this behalf, not exceeding the highest rate leviable, under the law for the time being in force, on spirit imported into British India by sea.

"(*2*) The provisions of sub-section (*1*) with respect to spirit shall apply to fermented liquor also, with this modification that the duty to be paid in respect of the liquor shall be the duty leviable on like liquor under the Indian Tariff Act, 1882. XI of 1882.

"(*3*) If any question arises as to the duty to be charged on any spirit or fermented liquor under this section, the decision of the Local Government thereon shall be final."

Amendment of section 36.

6. (*1*) In clause (*c*) of section 36 of the same Act, the words "or fermented liquor" shall be inserted after the words "any spirit".

(*2*) In the last paragraph of the same section of the same Act the words "or fermented liquor" shall be inserted between the words "the spirit" and the words "together with".

Indian Tariff Act, 1882.

Repeal of

7. In the preamble to the Indian Tariff Act, 1882, the words "and for XI of 1882.

fixing a maximum duty of excise on spirit manufactured in British India" are repealed. portion of preamble.

8. To section 7 of the same Act the following shall be added, namely :— Addition to section 7.

"Nothing in this section applies to spirit which is exported under bond for excise-duty from one customs-port to another customs-port under the provisions of Chapter XIV of the Sea Customs Act, 1878. XIII of 1878.

9. In No. 2 of the second schedule to the same Act— Amendment of second schedule.

(*a*) "Rs. 5" shall be substituted for "Rs. 4" in the fifth column as the rate of duty to be levied and collected per imperial gallon or six quart bottles of "liqueurs"; and

(*b*) for the following, namely :—

No.	Names of Articles.	Per	Tariff valuation.	Rate of duty.
*	*	*	*	
	Spirit when so used in a proportion of twenty per cent. and upwards.	Impl. Gallon or six quart bottles of the strength of London proof.	...	Rs. 4, and the duty to be increased in proportion as the strength of the spirit exceeds London proof.
	Spirit, perfumed, in wood, or in bottles containing more than four ounces.	Ditto . .	...	
	Spirit, other sorts .	Ditto . .	...	

there shall be substituted the following, namely :—

No.	Names of Articles.	Per	Tariff valuation.	Rate of duty.
*	*	*	*	*
	Spirit when so used in a proportion of twenty per cent. and upwards.	Impl. Gallon or six quart bottles of the strength of London proof.	...	Rs. 5, and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.
	Spirit, perfumed, in wood or in bottles.	Impl. Gallon or six quart bottles.	...	Rs. 7-8.
	Spirit, other sorts.	Impl. Gallon or six quart bottles of the strength of London proof.	...	Rs. 5, and the duty to be increased or reduced in proportion as the strength of the spirit exceeds or is less than London proof.

ACT No. III OF 1887.[a]

Received the Governor General's assent on the 14th January, 1887.

An Act to amend the Indian Evidence Act, 1872.

WHEREAS it is expedient that Revenue-officers should not be compelled to say whence they obtain information with respect to offences against the public revenue; It is hereby enacted as follows:—

New section substituted for section 125 of the Evidence Act.

1. The following section shall be substituted for section 125 of the Indian Evidence Act, 1872, namely:— I of 1872.

Information as to commission of offences.

"125. No Magistrate or Police-officer shall be compelled to say whence he got any information as to the commission of any offence, and no Revenue-officer shall be compelled to say whence he got any information as to the commission of any offence against the public revenue.

Explanation.—'Revenue-officer' in this section means any officer employed in or about the business of any branch of the public revenue."

ACT No. V OF 1887.

Received the Governor General's assent on the 28th January, 1887.

An Act to amend the Code of Criminal Procedure, 1882.

WHEREAS it is expedient to amend the Code of Criminal Procedure, 1882; X of 1882.
It is hereby enacted as follows:—

Amendment of section 4.

1. In the definition of "officer in charge of a police-station" in section 4, clause (*o*), of the said Code there shall be substituted for the word "therefrom" the words "from the station-house", and for the words "present at the police-station" the words "present at the station-house".

Amendment of section 312.

2. In section 312 of the said Code the word "four" shall be substituted for the word "two".

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[a] This Act has been extended to Upper Burma (except the Shan States) under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Pt. I, p. 362, and Gazette of India, 11th idem, Pt. I, p. 371.

ACT No. VI OF 1887.*

Received the Governor General's assent on the 11th February, 1887.

An Act to amend the Indian Companies Act, 1882.

VI of 1882. WHEREAS it is expedient to amend the Indian Companies Act, 1882, in manner hereinafter appearing; It is hereby enacted as follows :—

VI of 1882. 1. After section 200 of the Indian Companies Act, 1882, the following section shall be inserted, namely :— Insertion of new section after section 200.

"200A. (*1*) In the distribution of the assets of any company being wound up under this Act, there shall be paid in priority to all other debts— Priority of debts.

"(*a*) all revenue, taxes, cesses and rates, whether payable to Her Majesty or to a local authority, due from the company at the date of the commencement of the winding-up, and having become due and payable within the twelve months next before that date;

"(*b*) all wages or salary of any clerk or servant in respect of services rendered to the company within the two months next before the commencement of the winding up, not exceeding one thousand rupees for each clerk or servant; and

"(*c*) all wages of any labourer or workman, not exceeding five hundred rupees for each, whether payable for time or piece-work, in respect of services rendered to the company within the two months next before the commencement of the winding-up.

"(*2*) The foregoing debts shall rank equally among themselves, and shall be paid in full, unless the assets of the company are insufficient to meet them, in which case they shall abate in equal proportions among themselves.

"(*3*) Subject to the retention of such sums as may be necessary for the cost of administration or otherwise, the liquidator or official liquidator shall discharge the foregoing debts forthwith, so far as the assets of the company are and will be sufficient to meet them, as and when the assets come into the hands of the liquidator or official liquidator."

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* This Act has been extended to Upper Burma (except the Shan States) under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Pt. I, p. 362, and Gazette of India, 11th idem, Pt. I, p. 371.

ACT No. VII OF 1887.[a]

Received the Governor General's assent on the 11th February, 1887.

An Act to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto.

WHEREAS it is expedient to prescribe the mode of valuing certain suits for the purpose of determining the jurisdiction of Courts with respect thereto; It is hereby enacted as follows :—

Title.

1. This Act may be called the Suits Valuation Act, 1887.

PART I.

SUITS RELATING TO LAND.

Extent and commencement of Part I.

2. This Part shall extend to such local areas, and come into force therein on such dates as the Governor General in Council, by notification in the Gazette of India, directs.[b]

Power for Local Government to make rules determining value of land for jurisdictional purposes.

3. (*1*) The Local Government may, with the previous sanction of the Governor General in Council, make rules for determining the value of land for purposes of jurisdiction in the suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph x, clause (*d*). VII of 1870.

(*2*) The rules may determine the value of any class of land, or of any interest in land, in the whole or any part of a local area, and may prescribe different values for different places within the same local area.

Valuation of relief in certain suits relating to land not to exceed the value of the land.

4. Where a suit mentioned in the Court-fees Act, 1870, section 7, paragraph iv, or Schedule II, article 17, relates to land or an interest in land of which the value has been determined by rules under the last foregoing section, the amount at which for purposes of jurisdiction the relief sought in the suit is valued shall not exceed the value of the land or interest as determined by those rules.

Making and enforcement of rules.

5. (*1*) The Local Government shall, before making rules under section 3, consult the High Court with respect thereto.

(*2*) A rule under that section shall not take effect till the expiration of one month after the rule has been published in the local official Gazette.

Repeal of

6. On and from the date on which rules under section 3 take effect in any

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[a] This Act has been extended to Upper Burma (except the Shan States) under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Pt. I, p. 362, and Gazette of India, 11th idem, Pt. I, p. 371.

[b] Part I of the Act has under s. 2 been declared to extend to the Punjab, and to come into force therein on the 1st day of March, 1889—see Gazette of India, 23rd February, 1889, Pt. I, p. 107.

part of the territories under the administration of the Governor of Fort Saint George in Council to which the Madras Civil Courts Act, 1873, extends, section 14 of that Act shall be repealed as regards that part of those territories.

III of 1873.

section 14 of the Madras Civil Courts Act, 1873.

PART II.

Other Suits.

7. This Part extends to the whole of British India, and shall come into force on the first day of July, 1887.

Extent and commencement of Part II.

8. Where in suits other than those referred to in the Court-fees Act, 1870, section 7, paragraphs v, vi and ix, and paragraph x, clause (*d*), court-fees are payable *ad valorem* under the Court-fees Act, 1870, the value as determinable for the computation of court-fees and the value for purposes of jurisdiction shall be the same.

Court-fee value and jurisdictional value to be the same in certain suits.

9. When the subject-matter of suits of any class, other than suits mentioned in the Court-fees Act, 1870, section 7, paragraphs v and vi, and paragraph x, clause (*d*), is such that in the opinion of the High Court it does not admit of being satisfactorily valued, the High Court may, with the previous sanction of the Local Government, direct that suits of that class shall, for the purposes of the Court-fees Act, 1870, and of this Act and any other enactment for the time being in force, be treated as if their subject-matter were of such value as the High Court thinks fit to specify in this behalf.

VII of 1870.

Determination of value of certain suits by High Court.

10. Section 32 of the Punjab Courts Act, 1884, is hereby repealed.

XVIII of 1884.

Repeal.

PART III.

Supplemental Provisions.

11. (*1*) Notwithstanding anything in section 578 of the Code of Civil Procedure, an objection that by reason of the over-valuation or under-valuation of a suit or appeal a Court of first instance or lower appellate Court which had not jurisdiction with respect to the suit or appeal exercised jurisdiction with respect thereto shall not be entertained by an appellate Court unless—

XIV of 1882.

Procedure where objection is taken on appeal or revision that a suit or appeal was not properly valued for jurisdictional purposes.

(*a*) the objection was taken in the Court of first instance at or before the hearing at which issues were first framed and recorded, or in the lower appellate Court in the memorandum of appeal to that Court, or

(*b*) the appellate Court is satisfied, for reasons to be recorded by it in writing, that the suit or appeal was over-valued or under-valued, and

that the over-valuation or under-valuation thereof has prejudicially affected the disposal of the suit or appeal on its merits.

(*2*) If the objection was taken in the manner mentioned in clause (*a*) of sub-section (*1*), but the appellate Court is not satisfied as to both the matters mentioned in clause (*b*) of that sub-section and has before it the materials necessary for the determination of the other grounds of appeal to itself, it shall dispose of the appeal as if there had been no defect of jurisdiction in the Court of first instance or lower appellate Court.

(*3*) If the objection was taken in that manner and the appellate Court is satisfied as to both those matters and has not those materials before it, it shall proceed to deal with the appeal under the rules applicable to the Court with respect to the hearing of appeals; but if it remands the suit or appeal, or frames and refers issues for trial, or requires additional evidence to be taken, it shall direct its order to a Court competent to entertain the suit or appeal.

(*4*) The provisions of this section with respect to an appellate Court shall, so far as they can be made applicable, apply to a Court exercising revisional jurisdiction under section 622 of the Code of Civil Procedure or other enactment for the time being in force. XIV of 1882.

(*5*) This section extends to the whole of British India, and shall come into force on the first day of July, 1887.

Proceedings pending at commencement of Part I or Part II.

12. Nothing in Part I or Part II shall be construed to affect the jurisdiction of any Court—

(*a*) with respect to any suit instituted before rules under Part I applicable to the valuation of the suit take effect, or Part II has come into force, as the case may be, or

(*b*) with respect to any appeal arising out of any such suit.

THE PROVINCIAL SMALL CAUSE COURTS ACT, 1887.

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ACT No. IX OF 1887.[a]

Received the Governor General's assent on the 24th February, 1887.

An Act to consolidate and amend the law relating to Courts of Small Causes established beyond the Presidency-towns.

WHEREAS it is expedient to consolidate and amend the law relating to Courts of Small Causes established beyond the local limits for the time being of the ordinary original civil jurisdiction of the High Courts of Judicature at Fort William in Bengal and at Madras and Bombay; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

Title, extent and commencement.

1. (*1*) This Act may be called the Provincial Small Cause Courts Act, 1887.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force on the first day of July, 1887.

Repeal.

2. (*1*) The enactments specified in the first schedule are repealed to the extent mentioned in the third column thereof.

(*2*) But all Courts constituted, limits fixed, places appointed, appointments, declarations and rules made, jurisdiction and powers conferred, forms prescribed,

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[a] Under the Scheduled Districts Act, 1874. This Act has been extended to the town of Mandalay—see Burma Gazette, 23rd July, 1887, Pt. I, p. 302, and Gazette of India, 18th February, 1888, Pt I, p. 88; and declared in force in the districts of Hazáribágh, Lohardugga and Manbhoom, pergunnah Dhalbhoom and the Kolhan—see Calcutta Gazette, 16th November, 1887, Pt I, p. 928, and Gazette of India, 19th idem, Pt. I, p. 582.

For power to confer upon a Subordinate Judge or Munsif in Bengal, North-Western Provinces and Assam the jurisdiction of a Court of Small Causes under this Act, see Act XII of 1887, s. 25.

Ss. 15, 32, 37, 38, 39 and 40 of the Bengal, North-Western Provinces and Assam Civil Courts Act, 1887, apply to Courts of Small Causes constituted under this Act—see Act XII of 1887, s. 40.

directions given and notifications published under Act No. XI of 1865 (*an Act to consolidate and amend the law relating to Courts of Small Causes beyond the local limits of the ordinary original civil jurisdiction of the High Courts of Judicature*), or under any enactment repealed by that Act, shall, so far as may be, be deemed to have been respectively constituted, fixed, appointed, made, conferred, prescribed, given and published under this Act.

(*3*) Any enactment or document referring to Act No. XI of 1865 or to any enactment thereby repealed shall, so far as may be, be construed to refer to this Act or to the corresponding portion thereof.

Savings.

3. Nothing in this Act shall be construed to affect—

(*a*) any proceedings before or after decree in any suit instituted before the commencement of this Act; or

(*b*) the jurisdiction of a Magistrate under any law for the time being in force with respect to debts or other claims of a civil nature, or of Village Munsifs or Village Panchâyats under the provisions of the Madras Code, or of Village Munsifs under the Dekkhan Agriculturists' Relief Act, 1879; or

XVII of 1879.

XIV of 1882.

(*c*) any local law or any special law other than the Code of Civil Procedure.

Definition.

4. In this Act, unless there is something repugnant in the subject or context, "Court of Small Causes" means a Court of Small Causes constituted under this Act, and includes any person exercising jurisdiction under this Act in any such Court.

CHAPTER II.

Constitution of Courts of Small Causes.

Establishment of Courts of Small Causes.

5. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by order in writing, establish a Court of Small Causes at any place within the territories under its administration beyond the local limits for the time being of the ordinary original civil jurisdiction of a High Court of Judicature established in a Presidency-town.

(*2*) The local limits of the jurisdiction of the Court of Small Causes shall be such as the Local Government may define, and the Court may be held at such place or places within those limits as the Local Government may appoint.

Judge.

6. (*1*) When a Court of Small Causes has been established, the Local Government shall, by order in writing, appoint a Judge of the Court.

(*2*) The Judge may be the Judge of one Court of Small Causes or of two or more such Courts, as the Local Government directs.

Appointment of times of sitting in certain circumstances.

7. (*1*) A Judge who is the Judge of two or more such Courts may, with the sanction of the District Court, fix the times at which he will sit in each of the Courts of which he is Judge.

(*2*) Notice of the times shall be published in such manner as the High Court from time to time directs.

Additional Judge.

8. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, by order in writing, appoint an Additional Judge of a Court of Small Causes or of two or more such Courts.

(*2*) The Additional Judge shall discharge such of the functions of the Judge of the Court or Courts as the Judge may assign to him, and in the discharge of those functions shall exercise the same powers as the Judge.

(*3*) The Judge may withdraw from the Additional Judge any business pending before him.

(*4*) When the Judge is absent, the Additional Judge may discharge all or any of the functions of the Judge.

Suspension and removal of Judges.

9. A Judge or Additional Judge of a Court of Small Causes may be suspended or removed from office by the Local Government.

Power to require two Judges to sit as a bench.

10. The Local Government, after consultation with the High Court, may, by order in writing, direct that two Judges of Courts of Small Causes, or a Judge and an Additional Judge of a Court of Small Causes, shall sit together for the trial of such class or classes of suits or applications cognizable by a Court of Small Causes as may be described in the order.

Decision in case heard by a bench.

11. (*1*) If two Judges, or a Judge and an Additional Judge, sitting together under the last foregoing section differ as to a question of law or usage having the force of law or in construing a document the construction of which may affect the merits, they shall draw up and refer, for the decision of the High Court, a statement of the facts of the case and of the point on which they differ in opinion, and the provisions of Chapter XLVI of the Code of Civil Procedure shall apply to the reference. XIV of 1882.

(*2*) If they differ on any matter other than a matter specified in sub-section (*1*), the opinion of the Judge who is senior in respect of date of appointment as Judge of a Court of Small Causes, or, if one of them is an Additional Judge, then the opinion of the Judge sitting with him, shall prevail.

(*3*) For the purposes of sub-section (*2*), a Judge permanently appointed shall be deemed to be senior to an officiating Judge.

Registrar.

12. (*1*) The Local Government may appoint to a Court of Small Causes an officer to be called the Registrar of the Court.

(*2*) Where a Registrar is appointed, he shall be the chief ministerial officer f the Court.

(*3*) The Local Government may, by order in writing, confer upon a Registrar, within the local limits of the jurisdiction of the Court, the jurisdiction of a Judge of a Court of Small Causes for the trial of suits of which the value does not exceed twenty rupees.

(*4*) The Registrar shall try such suits cognizable by him as the Judge may, by general or special order, direct.

(*5*) A Registrar may be suspended or removed from office by the Local Government.

Other ministerial officers.

13. Subject to any enactment for the time being in force and to any orders made by the Local Government in this behalf, the law or practice for the time being applicable to the appointment, punishment and transfer of ministerial officers of a Civil Court of the lowest grade competent to try an original suit of the value of five thousand rupees in that portion of the territories administered by the Local Government in which a Court of Small Causes is established shall, so far as it can be made applicable, apply to the appointment, punishment and transfer of ministerial officers of the Court of Small Causes other than the Registrar, if any, of that Court.

Duties of ministerial officers.

14. (*1*) The ministerial officers of a Court of Small Causes shall, in addition to any duties mentioned in this Act, or in any other enactment for the time being in force, as duties which are or may be imposed on any of them, discharge such duties of a ministerial nature as the Judge directs.

(*2*) The High Court may make rules consistent with this Act, and with any other enactment for the time being in force, conferring and imposing on the ministerial officers of a Court of Small Causes such powers and duties as it thinks fit, and regulating the mode in which powers and duties so conferred and imposed are to be exercised and performed.

CHAPTER III.

Jurisdiction of Courts of Small Causes.

Cognizance of suits by Courts of Small Causes.

15. (*1*) A Court of Small Causes shall not take cognizance of the suits specified in the second schedule as suits excepted from the cognizance of a Court of Small Causes.

(*2*) Subject to the exceptions specified in that schedule and to the provisions of any enactment for the time being in force, all suits of a civil nature

of which the value does not exceed five hundred rupees shall be cognizable by a Court of Small Causes.

(*3*) Subject as aforesaid, the Local Government may, by order in writing, direct that all suits of a civil nature of which the value does not exceed one thousand rupees shall be cognizable by a Court of Small Causes mentioned in the order.

Exclusive jurisdiction of Courts of Small Causes.

16. Save as expressly provided by this Act or by any other enactment for the time being in force, a suit cognizable by a Court of Small Causes shall not be tried by any other Court having jurisdiction within the local limits of the jurisdiction of the Court of Small Causes by which the suit is triable.

CHAPTER IV.

Practice and Procedure.

Application of the Code of Civil Procedure.

17. (*1*) The procedure prescribed in the chapters and sections of the Code of Civil Procedure specified in the second schedule to that Code, as amended by this Act, shall, so far as those chapters and sections are applicable, be the procedure followed in a Court of Small Causes in all suits cognizable by it and in all proceedings arising out of such suits: XIV of 1882.

Provided that an applicant for an order to set aside a decree passed *ex parte* or for a review of judgment shall, at the time of presenting his application, either deposit in the Court the amount due from him under the decree or in pursuance of the judgment, or give security to the satisfaction of the Court for the performance of the decree or compliance with the judgment, as the Court may direct.

(*2*) Where a person has become liable as surety under the proviso to sub-section (*1*), the security may be realized in manner provided by section 253 of the Code of Civil Procedure.

Trial of suits by Registrar.

18. (*1*) Suits cognizable by the Registrar under section 12, sub-sections (*3*) and (*4*), shall be tried by him, and decrees passed therein shall be executed by him, in like manner in all respects as the Judge might try the suits, and execute the decrees, respectively.

(*2*) The Judge may transfer to his own file, or to that of the Additional Judge if an Additional Judge has been appointed, any suit or other proceeding pending on the file of the Registrar.

Admission, return and rejection of

19. (*1*) When the Judge of a Court of Small Causes is absent, and an Additional Judge has not been appointed or, having been appointed, is also

absent, the Registrar may admit a plaint, or return or reject a plaint for any reason for which the Judge might return or reject it. plaints by Registrar.

(*2*) The Judge may, of his own motion or on the application of a party, return or reject a plaint which has been admitted by the Registrar, or admit a plaint which has been returned or rejected by him:

Provided that, where a party applies for the return or rejection or the admission of a plaint under this sub-section, and his application is not made at the first sitting of the Judge after the day on which the Registrar admitted, or returned or rejected, the plaint, the Judge shall dismiss the application unless the applicant satisfies him that there was sufficient cause for not making the application at that sitting.

20. (*1*) If, before the date appointed for the hearing of a suit, the defendant or his agent duly authorized in that behalf appears before the Registrar and admits the plaintiff's claim, the Registrar may, if the Judge is absent, and an Additional Judge has not been appointed or, having been appointed, is also absent, pass against the defendant, upon the admission, a decree which shall have the same effect as a decree passed by the Judge. Passing of decrees by Registrar on confession.

(*2*) Where a decree has been passed by the Registrar under sub-section (*1*), the Judge may grant an application for review of judgment, and re-hear the suit, on the same conditions, on the same grounds and in the same manner as if the decree had been passed by himself.

21. (*1*) If the Judge is absent, and an Additional Judge has not been appointed or, having been appointed, is also absent, the Registrar may, subject to any instructions which he may have received from the Judge or, with respect to decrees or orders made by an Additional Judge, from the Additional Judge, make any orders in respect of applications for the execution of decrees and orders made by the Court of which he is Registrar, or sent to that Court for execution, which the Judge might make under this Act. Execution of decrees by Registrar.

(*2*) The Judge, in the case of any decree or order with respect to the execution of which the Registrar has made an order under sub-section (*1*), or the Addditional Judge, in the case of any such decree or order which has been made by himself and with respect to which proceedings have not been taken by the Judge under this sub-section, may, of his own motion, or on application made by a party within fifteen days from the date of the order of the Registrar or of the execution of any process issued in pursuance of that order, reverse or modify the order.

(*3*) The period of fifteen days mentioned in sub-section (*2*) shall be computed in accordance with the provisions of the Indian Limitation Act, 1877, as though the application of the party were an application for review of judgment. XV of 1877.

Adjournment of cases by chief ministerial officer.

22. When the Judge of a Court of Small Causes is absent and an additional Judge has not been appointed or, having been appointed, is also absent, the Registrar or other chief ministerial officer of the Court may exercise from time to time the power which the Court possesses of adjourning the hearing of any suit or other proceeding, and fix a day for the further hearing thereof.

Return of plaints in suits involving questions of title.

23. (*1*) Notwithstanding anything in the foregoing portion of this Act, when the right of a plaintiff and the relief claimed by him in a Court of Small Causes depend upon the proof or disproof of a title to immoveable property or other title which such a Court cannot finally determine, the Court may at any stage of the proceedings return the plaint to be presented to a Court having jurisdiction to determine the title.

(*2*) When a Court returns a plaint under sub-section (*1*), it shall comply with the provisions of the second paragraph of section 57 of the Code of Civil Procedure and make such order with respect to costs as it deems just, and the Court shall, for the purposes of the Indian Limitation Act, 1877, be deemed to have been unable to entertain the suit by reason of a cause of a nature like to that of defect of jurisdiction. XIV of 1882. XV of 1877.

Appeals from certain orders of Courts of Small Causes.

24. Where an order specified in section 588, clause (*29*), of the Code of Civil Procedure is made by a Court of Small Causes, an appeal therefrom shall lie to the District Court. XIV of 1882.

Revision of decrees and orders of Courts of Small Causes.

25. The High Court, for the purpose of satisfying itself that a decree or order made in any case decided by a Court of Small Causes was according to law, may call for the case and pass such order with respect thereto as it thinks fit.

26. [*Amendment of the second schedule to the Code of Civil Procedure.*] XIV of 1882. *Rep. by Act X of 1888, s. 4.*

Finality of decrees and orders.

27. Save as provided by this Act a decree or order made under the foregoing provisions of this Act by a Court of Small Causes shall be final.

CHAPTER V.

SUPPLEMENTAL PROVISIONS.

Subordination of Courts of Small Causes.

28. (*1*) A Court of Small Causes shall be subject to the administrative control of the District Court and to the superintendence of the High Court, and shall—

(*a*) keep such registers, books and accounts as the High Court from time to time prescribes, and

(*b*) comply with such requisitions as may be made by the District Court, the High Court or the Local Government for records, returns and statements in such form and manner as the authority making the requisition directs.

(*2*) The relation of the District Court to a Court of Small Causes, with respect to administrative control, shall be the same as that of the District Court to a Civil Court of the lowest grade competent to try an original suit of the value of five thousand rupees in that portion of the territories administered by the Local Government in which the Court of Small Causes is established.

29. A Court of Small Causes shall use a seal of such form and dimensions as are prescribed by the Local Government. Seal.

30. The Local Government may, by order in writing, abolish a Court of Small Causes. Abolition of Courts of Small Causes.

31. (*1*) Nothing in this Act shall be construed to prevent the Local Government from appointing a person who is a Judge or Additional Judge of a Court of Small Causes to be also a Judge of any other Civil Court or to be a Magistrate of any class or to hold any other public office. Saving of power to appoint Judge of Court of Small Causes to other office.

(*2*) When a Judge or Additional Judge is so appointed, the ministerial officers of his Court shall, subject to any rules which the Local Government may make in this behalf, be deemed to be ministerial officers appointed to aid him in the discharge of the duties of the other office.

32. (*1*) So much of Chapters III and IV as relates to— Application of Act to Courts invested with jurisdiction of Court of Smal Causes.

(*a*) the nature of the suits cognizable by Courts of Small Causes,

(*b*) the exclusion of the jurisdiction of other Courts in those suits,

(*c*) the practice and procedure of Courts of Small Causes,

(*d*) appeal from certain orders of those Courts and revision of cases decided by them, and

(*e*) the finality of their decrees and orders subject to such appeal and revision as are provided by this Act,

applies to Courts invested by or under any enactment for the time being in force with the jurisdiction of a Court of Small Causes so far as regards the exercise of that jurisdiction by those Courts.

(*2*) Nothing in sub-section (*1*) with respect to Courts invested with the jurisdiction of a Court of Small Causes applies to suits instituted or proceedings commenced in those Courts before the date on which they were invested with that jurisdiction.

33. A Court invested with the jurisdiction of a Court of Small Causes, with Application

of Act and Code to Court so invested as to two Courts.

respect to the exercise of that jurisdiction, and the same Court, with respect to the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, shall, for the purposes of this Act and the Code of Civil Procedure, be deemed to be different Courts. XIV of 1882.

Modification of Code as so applied.

34. Notwithstanding anything in the last two foregoing sections,—

(*a*) when, in exercise of the jurisdiction of a Court of Small Causes, a Court invested with that jurisdiction sends a decree for execution to itself as a Court having jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, or

(*b*) when a Court, in the exercise of its jurisdiction in suits of a civil nature which are not cognizable by a Court of Small Causes, sends a decree for execution to itself as a Court invested with the jurisdiction of a Court of Small Causes,—

the documents mentioned in section 224 of the Code of Civil Procedure XIV of 1882. shall not be sent with the decree unless in any case the Court, by order in writing, requires them to be sent.

Continuance of proceedings of abolished Courts.

35. (*1*) Where a Court of Small Causes, or a Court invested with the jurisdiction of a Court of Small Causes, has from any cause ceased to have jurisdiction with respect to any case, any proceeding in relation to the case, whether before or after decree, which, if the Court had not ceased to have jurisdiction, might have been had therein, may be had in the Court which, if the suit out of which the proceeding has arisen were about to be instituted, would have jurisdiction to try the suit.

(*2*) Nothing in this section applies to cases for which special provision is made in the Code of Civil Procedure, as extended to Courts of Small Causes, XIV of 1882. or in any other enactment for the time being in force.

Amendment of Indian Limitation Act.

36. In the third division of the second schedule to the Indian Limitation Act, 1877,— XV of 1877.

(*a*) after No. 160 the following shall be inserted, namely:—

"160A. For a review of judgment by a Provincial Court of Small Causes or by a Court invested with the jurisdiction of a Provincial Court of Small Causes when exercising that jurisdiction.	Ditto.	The date of the decree or order."

and (*b*) in No. 173, the words, figures and letter "No. 160A and" shall be inserted before the word and figures "No. 162".

Publication of certain orders.

37. All orders required by this Act to be made in writing by the Local Government shall be published in the official Gazette.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Number and year.	Subject or title.	Extent of repeal.
1	2	3
Act XI of 1865 .	Mufassal Small Cause Courts Act.	So much as has not been repealed.
Act VI of 1871 .	Bengal Civil Courts Act.	Section 30.
Act III of 1873 .	Madras Civil Courts Act.	Section 29, paragraph one.
Act XV of 1874 .	Laws Local Extent Act.	So much of the first schedule as relates to Acts XI of 1865 and X of 1867.
Act XII of 1881 .	North-Western Provinces Rent Act.	In section 2, the words and figures "and Act No. XI of 1865, section 52".
Regulation I of 1877 .	Ajmere Courts Regulation.	Section 33.

THE SECOND SCHEDULE.

SUITS EXCEPTED FROM THE COGNIZANCE OF A COURT OF SMALL CAUSES.

(*See section 15.*)

(1) A suit concerning an act or order purporting to be done or made by the Governor General in Council or a Local Government, or by the Governor General or a Governor, or by a Member of the Council of the Governor General or of the Governor of Madras or Bombay, in his official capacity, or concerning an act purporting to be done by any person by order of the Governor General in Council or a Local Government;

(2) a suit concerning an act purporting to be done by any person in pursuance of a judgment or order of a Court or of a judicial officer acting in the execution of his office;

(3) a suit concerning an act or order purporting to be done or made by any other officer of the Government in his official capacity, or by

a Court of Wards, or by an officer of a Court of Wards in the execution of his office;

(4) a suit for the possession of immoveable property or for the recovery of an interest in such property;

(5) a suit for the partition of immoveable property;

(6) a suit by a mortgagee of immoveable property for the foreclosure of the mortgage or for the sale of the property, or by a mortgagor of immoveable property, for the redemption of the mortgage;

(7) a suit for the assessment, enhancement, abatement or apportionment of the rent of immoveable property;

(8) a suit for the recovery of rent, other than house-rent, unless the Judge of the Court of Small Causes has been expressly invested by the Local Government with authority to exercise jurisdiction with respect thereto;

(9) a suit concerning the liability of land to be assessed to land-revenue;

(10) a suit to restrain waste;

(11) a suit for the determination or enforcement of any other right to or interest in immoveable property;

(12) a suit for the possession of an hereditary office or of an interest in such an office, including a suit to establish an exclusive or periodically recurring right to discharge the functions of an office;

(13) a suit to enforce payment of the allowance or fees respectively called *málikána* and *hakk*, or of cesses or other dues when the cesses or dues are payble to a person by reason of his interest in immoveable property or in an hereditary office or in a shrine or other religious institution;

(14) a suit to recover from a person to whom compensation has been paid under the Land Acquisition Act, 1870, the whole or any part of the compensation; X of 1870.

(15) a suit for the specific performance or rescission of a contract;

(16) a suit for the rectification or cancellation of an instrument;

(17) a suit to obtain an injunction;

(18) a suit relating to a trust, including a suit to make good out of the general estate of a deceased trustee the loss occasioned by a breach of trust, and a suit by a co-trustee to enforce against the estate of a deceased trustee a claim for contribution;

(19) a suit for a declaratory decree, not being a suit instituted under section 283 or section 332 of the Code of Civil Procedure; XIV of 1882.

(*The Second Schedule.—Suits excepted from the cognizance of a Court of Small Causes.*

(20) a suit instituted under section 283 or section 332 of the Code of Civil Procedure;

(21) a suit to set aside an attachment by a Court or a revenue-authority, or a sale, mortgage, lease or other transfer by a Court or a revenue-authority or by a guardian;

(22) a suit for property which the plaintiff has conveyed while insane;

(23) a suit to alter or set aside a decision, decree or order of a Court or of a person acting in a judicial capacity;

(24) a suit to contest an award;

(25) a suit upon a foreign judgment as defined in the Code of Civil Procedure or upon a judgment obtained in British India;

(26) a suit to compel a refund of assets improperly distributed under section 295 of the Code of Civil Procedure;

XIV of 1882.

X of 1865.

V of 1881.

(27) a suit under the Indian Succession Act, 1865, section 320 or section 321, or under the Probate and Administration Act, 1881, section 139 or section 140, to compel a refund by a person to whom an executor or administrator has paid a legacy or distributed assets;

(28) a suit for a legacy or for the whole or a share of a residue bequeathed by a testator, or for the whole or a share of the property of an intestate;

(29) a suit—

(*a*) for a dissolution of partnership or for the winding-up of the business of a partnership after its dissolution;

(*b*) for an account of partnership-transactions; or

(*c*) for a balance of partnership-account, unless the balance has been struck by the parties or their agents;

(30) a suit for an account of property and for its due administration under decree;

(31) any other suit for an account, including a suit by a mortgagor, after the mortgage has been satisfied, to recover surplus collections received by the mortgagee, and a suit for the profits of immoveable property belonging to the plaintiff which have been wrongfully received by the defendant;

(32) a suit for a general average loss or for salvage;

(33) a suit for compensation in respect of collision between ships;

(34) a suit on a policy of insurance or for the recovery of any premium paid under any such policy;

(*The Second Schedule.—Suits excepted from the cognizance of a Court of Small Causes.*)

(35) a suit for compensation—

(*a*) for loss occasioned by the death of a person caused by actionable wrong;

(*b*) for wrongful arrest, restraint or confinement;

(*c*) for malicious prosecution;

(*d*) for libel;

(*e*) for slander;

(*f*) for adultery or seduction;

(*g*) for breach of contract of betrothal or promise of marriage;

(*h*) for inducing a person to break a contract made with the plaintiff;

(*i*) for obstruction of an easement or diversion of a watercourse;

(*j*) for illegal, improper or excessive distress or attachment;

(*k*) for improper arrest under Chapter XXXIV of the Code of Civil Procedure, or in respect of the issue of an injunction wrongfully obtained under Chapter XXXV of that Code; or XIV of 1882.

(*l*) for injury to the person in any case not specified in the foregoing sub-clauses of this clause;

(36) a suit by a Muhammadan for exigible (*mu'ajjal*) or deferred (*mu'wajjal*) dower;

(37) a suit for the restitution of conjugal rights, for the recovery of a wife, for the custody of a minor, or for a divorce;

(38) a suit relating to maintenance;

(39) a suit for arrears of land-revenue, village-expenses or other sums payable to the representative of a village-community or to his heir or other successor in title;

(40) a suit for profits payable by the representative of a village-community or by his heir or other successor in title after payment of land-revenue, village-expenses and other sums;

(41) a suit for contribution by a sharer in joint property in respect of a payment made by him of money due from a co-sharer, or by a manager of joint property, or a member of an undivided family, in respect of a payment made by him on account of the property or family;

(42) a suit by one of several joint mortgagors of immoveable property for contribution in respect of money paid by him for the redemption of the mortgaged property;

(43) a suit against the Government to recover money paid under protest in satisfaction of a claim made by a revenue-authority on account of an arrear of land-revenue or of a demand recoverable as an arrear of land-revenue;

(44) a suit the cognizance whereof by a Court of Small Causes is barred by any enactment for the time being in force.

THE NATIVE PASSENGER SHIPS ACT, 1887.

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SCHEDULE.—ENACTMENTS REPEALED.

ACT No. X OF 1887.

Received the Governor General's assent on the 24th February, 1887.

An Act to consolidate and amend the law relating to Native Passenger Ships.

WHEREAS it is expedient to consolidate and amend the law relating to native passenger ships; It is hereby enacted as follows:—

CHAPTER I.

PRELIMINARY.

1. This Act may be called the Native Passenger Ships Act, 1887. Title.

2. (*1*) It extends to the whole of British India, and applies— Extent and application.

(*a*) to all subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty;

(*b*) to all native Indian subjects of Her Majesty without and beyond British India; and,

(*c*) subject to the exceptions mentioned in sub-section (*2*), to ships carrying as passengers more than thirty natives of Asia or Africa.

(*2*) But it does not apply—

(i) to any ship-of-war, troopship, transport or other ship belonging to the Royal Navy or Her Majesty's Indian Marine Service, or

(ii) to any other ship for the time being in the service of Her Majesty, or

(iii) to any ship-of-war belonging to any Foreign Prince or State, or

(iv) to any steam-ship not carrying as passengers more than sixty natives of Asia or Africa, or

(v) to any ship not intended to carry natives of Asia or Africa as passengers to or from any port in British India.

(*3*) Notwithstanding anything in sub-sections (*1*) and (*2*), the Local Government may, with the previous sanction of the Governor General in Council, declare all or any of the provisions of this Act to apply to sailing-ships, or any class of sailing-ships, carrying as passengers more than fifteen natives of Asia or Africa, and to steam-ships, or any class of steam-ships, carrying as passengers more than thirty such natives.

Commencement

3. This Act shall come into force on such day as the Governor General in Council, by notification in the Gazette of India, appoints.*

Repeal

4. (*1*) On and from that day the enactments mentioned in the schedule shall be repealed to the extent specified in the third column thereof.

(*2*) But all ports, places and officers appointed, rules, declarations and exemptions made, bonds executed, directions given and certificates granted under any of those enactments shall, so far as may be, be deemed to be respectively appointed, made, executed, given and granted under this Act; and

(*3*) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

Definitions.

5. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "ship" means a ship to which this Act applies:

(*2*) "passenger" means a passenger by a ship who is a native of Asia or Africa of the age of twelve years or upwards and is not on the articles of the ship as one of the crew; but it does not include either a passenger in attendance on a person who is not a native of Asia or Africa, or a child under one year of age; and, in the computation of passengers for any of the purposes of this Act, two persons of the age of one year or upwards and under the age of twelve years shall be reckoned as one passenger:

(*3*) "long voyage" means, subject to the provisions of this Act, any voyage during which the ship performing it will in ordinary circumstances be one hundred and twenty hours or upwards continuously out of port:

(*4*) "short voyage" means, subject to the provisions of this Act, any voyage during which the ship performing it will not in ordinary circumstances be one hundred and twenty hours continuously out of port:

(*5*) "voyage", when used without the prefix "long" or "short", means

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* The Act came into force on 1st June, 1887—see Gazette of India, 28th May, 1887, Pt. I, p. 250.

the whole distance between the ship's port or place of departure and her final port or place of arrival :

(*6*) "Chief Customs-officer" means the chief executive officer of sea-customs in any port or place to which this Act applies : and

(*7*) "Magistrate" means a person exercising powers not inferior to those of a Magistrate of the second class.

CHAPTER II.

RULES FOR ALL VOYAGES.

Ships to sail only from places appointed by the Government.

6. (*1*) A ship carrying passengers shall not depart or proceed from, or discharge passengers at, any port or place within British India other than a port or place appointed in this behalf by the Local Government.

(*2*) After a ship has departed or proceeded on a voyage from a port or place so appointed, a person shall not be received on board as a passenger except at some other port or place so appointed.

Notice to be given of day of sailing.

7. (*1*) The master, owner or agent of a ship so departing or proceeding shall give notice to an officer appointed in this behalf by the Local Government that the ship is to carry passengers, and of her destination, and of the proposed time of sailing.

(*2*) The notice shall be given not less then twenty-four hours before that time.

Power to enter on and inspect ship.

8. After receiving the notice, the officer aforesaid or a person authorized by him shall be at liberty at all times to enter on the ship and inspect her and her fittings and the provisions and stores in her.

Ship not to sail without two certificates.

9. (*1*) A ship intended to carry passengers shall not commence a voyage from a port or place appointed under this Act, unless the master holds two certificates to the effect mentioned in the two next following sections.

(*2*) The officer whose duty it is to grant a port-clearance for the ship shall not grant it unless the master holds those certificates.

Contents of certificate A.

10. The first of the certificates (hereinafter called "certificate A") shall state that the ship is seaworthy and properly equipped, fitted and ventilated, and the number of passengers which she is capable of carrying.

Contents of certificate B.

11. The second of the certificates (hereinafter called "certificate B") shall state—

(*a*) the voyage which the ship is to make, and the intermediate ports, if any, at which she is to touch ;

(*b*) that she has the proper complement of officers and seamen ;

(*c*) that food, fuel and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed by those rules;

(*d*) that the master holds certificate A;

(*e*) if the ship is to make a short voyage in a season of foul weather, and to carry upper-deck passengers, that she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather;

(*f*) if she is to carry passengers to any port in the Red Sea, that she is propelled principally by steam, and, if she is to carry more than one hundred passengers to any such port, that she has on board a medical officer licensed in accordance with the rules under this Act; and

(*g*) such other particulars, if any, as may be prescribed by those rules.

Grant of certificates.

12. The person by whom certificate A and certificate B are to be granted shall be the officer appointed under section 7.

Substitute for certificate A.

13. Where the master of a ship produces to that officer either of the following certificates, namely:—

(*a*) a valid certificate granted by the Board of Trade or by a British Colonial Government, or

(*b*) a certificate granted under the authority of a British Indian Government, on a date not more than one year before the proposed day of sailing, and in force and applicable to the voyage on which the ship is to proceed or the service on which she is about to be employed,

the officer may, if the particulars required by section 10 are certified thereby, take the certificate as evidence of those particulars, and it shall then be deemed to be a certificate A for the purposes of this Act.

Survey of ship.

14. (*1*) After receiving the notice required by section 7, the officer appointed under that section may, if he thinks fit, cause the ship to be surveyed at the expense of the master or owner by competent surveyors, who shall report to him whether the ship is, in their opinion, seaworthy and properly equipped, fitted and ventilated for the voyage which she is to make:

Provided that he shall not cause a ship holding a certificate mentioned in section 13, clause (*a*) or clause (*b*), to be surveyed unless by reason of the ship having met with damage or having undergone alterations, or on other reason-

able ground, he considers it likely that she may be found unseaworthy or not properly equipped, fitted or ventilated for the voyage.

(*2*) If the officer causes a survey to be made of a ship holding any such certificate, and the surveyors report that the ship is seaworthy and properly equipped, fitted and ventilated for the voyage, and that there was no reasonable ground why the officer should have thought it likely that she would be found unseaworthy, or not properly equipped, fitted or ventilated for the voyage, the expense of the survey shall be paid by the Local Government.

Discretion as to grant of certificate.

15. (*1*) The officer authorized to grant a certificate under this Act in respect of a ship shall not grant it unless he is satisfied that she has not on board any cargo likely from its quality, quantity or mode of stowage to prejudice the health or safety of the passengers.

(*2*) But save as aforesaid, and subject to the provisions of sub-section (*3*), it shall be in the discretion of the officer to grant or withhold the certificate.

(*3*) In the exercise of that discretion that officer shall be subject to the control of the Local Government, and of any intermediate authority which that Government appoints in this behalf.

Copy of certificates to be exhibited.

16. The master or owner shall post up in a conspicuous part of the ship, so as to be visible to persons on board thereof, a copy of each of the certificates granted under this Act in respect of the ship, and shall keep those copies so posted up throughout the voyage.

Supply by passengers of their own food.

17. If an officer appointed in this behalf by the Local Government is satisfied that a passenger has brought on board a ship for his own use food of the quality and in the quantity for the time being prescribed by the rules under this Act, the requirements of this Act respecting the supply of food for passengers shall not apply so far as regards the supply of food for that passenger.

CHAPTER III.

Rules for Short Voyages.

Space to be available for passengers.

18. (*1*) For seasons of fair weather a ship performing a short voyage shall, subject to the provisions of this Act, contain in the between-decks at least six superficial feet and thirty-six cubic feet of space available for every between-decks passenger, and on the upper-deck at least four superficial feet available for each such passenger and six superficial feet available for each upper-deck passenger.

(*2*) For seasons of foul weather a ship propelled by sails and performing a short voyage shall, subject as aforesaid, contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every between-decks passenger, and on the upper-deck at least four superficial feet available for each such passenger and twelve superficial feet available for each upper-deck passenger.

(*3*) For seasons of foul weather a ship propelled by steam, or partly by steam and partly by sails, and performing a short voyage, shall, subject as aforesaid, contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every between-decks passenger, and on the upper-deck at least four superficial feet available for each such passenger and nine superficial feet available for each upper-deck passenger.

(*4*) But in seasons of foul weather a ship shall not carry upper-deck passengers unless she is furnished with substantial bulwarks and a double awning or with other sufficient protection against the weather.

Ship taking additional passengers at intermediate place.

19. If a ship performing a short voyage takes additional passengers on board at an intermediate port or place, the master shall obtain from the officer appointed at that port or place under section 7 a supplementary certificate stating—

(*a*) the number of passengers so taken on board, and

(*b*) that food, fuel and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for the ship by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the scale for the time being prescribed by those rules :

Provided that if the certificate B held by the master of the ship states that food, fuel and pure water over and above what is necessary for the crew, and the other things, if any, prescribed for her by the rules under this Act, have been placed on board, of the quality prescribed by the rules, properly packed, and sufficient to supply the full number of passengers which she is capable of carrying, the master shall not be bound to obtain any such supplementary certificate.

Deaths on voyage

20. When the ship reaches her final port or place of arrival, the master shall notify to such officer as the Governor General in Council appoints in this behalf the date and supposed cause of death of every passenger dying on the voyage.

CHAPTER IV.

Rules for Long Voyages.

Space to be available for passengers.

21. (*1*) A ship propelled by sails and performing a long voyage shall, subject to the provisions of this Act, contain in the between-decks at least twelve superficial feet and seventy-two cubic feet of space available for every passenger.

(*2*) A ship propelled by steam, or partly by steam and partly by sails, and performing a long voyage, shall, subject as aforesaid, contain in the between-decks at least nine superficial feet and fifty-four cubic feet of space available for every passenger.

Statements concerning passengers.

22. The master of a ship departing or proceeding on a long voyage from any port or place in British India shall sign two statements, specifying the number and the respective sexes of all the passengers, and the number of the crew, and shall deliver them to the officer appointed under section 7, who shall thereupon, after having first satisfied himself that the numbers are correct, countersign and return to the master one of the statements.

Deaths on voyage.

23. The master shall note in writing on the statement returned to him, and on any additional statement to be made under the next following section, the date and supposed cause of death of any passenger who may die on the voyage, and shall, when the ship arrives at her port or place of destination or at any port or place at which it may be intended to land passengers, and, before any passengers leave the ship, produce the statement, with any additions thereto made, to a person lawfully exercising consular authority on behalf of Her Majesty at the port or place or to the Chief Customs-officer thereat or the officer (if any) appointed there under section 7.

Ship taking additional passengers at intermediate place.

24. (*1*) In either of the following cases, namely :—

(*a*) if after the ship has departed or proceeded on a long voyage any additional passengers are taken on board at a port or place within British India appointed under this Act for the embarkation of passengers, or

(*b*) if the ship upon her voyage touches or arrives at any such port or place, having previously received on board additional passengers at any place beyond British India,

the master shall obtain a fresh certificate to the effect of certificate B from the officer appointed at that port or place under section 7, and shall make additional statements specifying the number and the respective sexes of all the additional passengers.

(*2*) All the foregoing provisions of this Act with respect to certificate B

and statements concerning passengers shall be applicable to any certificate granted or statement made under this section.

Certain ships to be propelled by steam.

25. A ship carrying passengers from or to any port in British India to or from any port in the Red Sea shall be propelled principally by steam.

Certain ships to carry medical officer.

26. A ship carrying more than one hundred passengers from or to any port in British India to or from any port in the Red Sea shall have on board a medical officer licensed in accordance with the rules under this Act.

Ships carrying passengers to or from port in Red Sea to touch at Aden.

27. A ship carrying passengers from or to any port in British India other than Aden to or from any port in the Red Sea shall touch at Aden, and shall not leave that port without having obtained from the proper authority a clean bill of health.

Bill of health at Aden.

28. The authority at Aden empowered to grant the bill of health shall refuse to grant it if the ship has on board a greater number of passengers than the number allowed for the ship by or under this Act, and may refuse to grant it if the requirements of any rule under this Act are not complied with on board the ship.

Bond where ship clears for port in Red Sea.

29. In the case of a ship carrying passengers from any port in British India other than Aden to any port in the Red Sea, the officer whose duty it is to grant a port-clearance for the ship shall not grant the clearance unless and until the master, owner or agent of the ship and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond, for the sum of five thousand rupees, conditioned—

(*a*) that the ship shall touch at Aden on the outward voyage and there obtain a clean bill of health, and shall do the same on the homeward voyage if the ship continues to carry more than sixty passengers, and

(*b*) that the master and medical officer (if any) of the ship shall comply with, on the outward voyage, and also on the homeward voyage if the ship continues to carry more than sixty passengers, the provisions of this Act and of such rules relating to ships carrying passengers between ports in British India and ports in the Red Sea as the Governor General in Council may make under this Act.

Power for Local Government to direct medical inspection of passengers.

30. (*1*) The Local Government may direct that no passenger shall be received on board any ship or any ship of a specified class carrying passengers from any port in British India to any port in the Red Sea unless and until the passenger has been inspected, at such time and place, and in such manner, as the Local Government may fix in this behalf, by a medical officer to be appointed by that Government for the purpose.

(2) If in the opinion of the officer making an inspection under this section a passenger is suffering from any dangerously infectious or contagious disease, the passenger shall not be permitted to embark.

CHAPTER V.

PENALTIES.

Penalty for ship unlawfully departing or receiving passengers on board.

31. If a ship departs or proceeds on a voyage from, or discharges passengers at, any port or place within British India in contravention of the provisions of section 6, sub-section (*1*), or section 9, or if a person is received as a passenger on board a ship in contravention of the provisions of section 6, sub-section (*2*), the master or owner shall, for every passenger carried in the ship, or for every passenger so discharged or received on board, be punished with fine which may extend to one hundred rupees, or with imprisonment for a term which may extend to one month, or with both, and the ship, if found within two years in any port or place within British India, may be seized and detained by a Chief Customs-officer until the penalties incurred under this Act by her master or owner have been adjudicated, and the payment of the fines imposed on him under this Act, with all costs, has been enforced, under the provisions of this Act:

Provided that the aggregate term of imprisonment awarded under this section shall not exceed one year.

Penalty for opposing entry on or inspection of ships.

32. If a person impedes or refuses to allow the entry or inspection authorized by or under this Act, he shall be punished with fine which may extend to five hundred rupees for each offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for not exhibiting copy of certificates.

33. If a master or owner without reasonable excuse, the burden of proving which shall lie upon him, fails to comply with the requirements of section 16 with respect to the posting of copies of certificates, he shall be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

Penalty for not complying with requirements as to statements concerning passengers and certain other matters.

34. If a master fails to comply with any of the requirements of section 22 or section 23, as to the statements concerning passengers, or wilfully makes any false entry or note in or on any such statement, or without reasonable excuse, the burden of proving which shall lie upon him, fails to obtain any such supplementary certificate as is mentioned in section 19, or to report deaths as required by section 20, or to obtain any such fresh certificate, or to make any such statement of the number of additional passengers, as is mentioned

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in section 24, he shall be punished with fine which may extend to five hundred rupees for every such offence, or with imprisonment for a term which may extend to three months, or with both.

Penalty for fraudulent alteration in ship after certificate obtained.

35. If a master, after having obtained any of the certificates mentioned in section 9, section 19 or section 24, fraudulently does or suffers to be done anything whereby the certificate becomes inapplicable to the altered state of the ship, her passengers or other matters to which the certificate relates, he shall be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for failing to supply passengers with prescribed provisions.

36. If a master without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any passenger the allowance of food, fuel and water prescribed by the rules under this Act, he shall be punished with fine which may extend to twenty rupees for every passenger who has sustained detriment by the omission.

Penalty for having excessive number of passengers on board.

37. (*1*) If a ship carrying passengers to or from any port or place in British India has on board a number of passengers which is greater than the number allowed for the ship by or under this Act, the master and owner shall, for every passenger over and above that number, be each punished with fine which may extend to twenty rupees, and the master shall further be liable to imprisonment for a term which may extend to one week in respect of each such passenger :

Provided that the aggregate term of imprisonment awarded under this section shall not exceed six months.

(*2*) Any officer authorized in this behalf by the Local Government may cause all passengers over and above the number allowed by or under this Act to disembark and may forward them to any port at which they may have contracted to land, and recover the cost of so forwarding them from the master or owner of the ship as if the cost were a fine imposed under this Act, and a certificate under the hand of that officer shall be conclusive proof of the amount of the cost aforesaid.

Penalty for bringing passengers from foreign port in excess of authorized number.

38. If a ship carrying passengers from any port or place beyond British India to any port or place in British India has on board a number of passengers greater either than the number allowed for the ship by or under this Act or than the number allowed by the license or certificate, if any, granted in respect of the ship at her port or place of departure, the master and owner shall, for every passenger in excess of that number, be each punished with fine which may extend to twenty rupees.

Penalty for landing passenger at a

39. If the master of a ship lands any passenger at any port or place other than the port or place at which the passenger may have contracted to land,

unless with his previous consent, or unless the landing is made necessary by perils of the sea or other unavoidable accident, the master shall, for every such offence, be punished with fine which may extend to two hundred rupees, or with imprisonment for a term which may extend to one month, or with both.

place other than that at which he has contracted to land.

40. If a ship, otherwise than by reason of perils of the sea or other unavoidable accident, touches at any port or place in contravention of any express or implied contract or engagement with the passengers with respect to the voyage which the ship was to make and the time which that voyage was to occupy, whether the contract or engagement was made by public advertisement or otherwise, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty for making voyage in contravention of contract with passengers.

41. If a ship carrying passengers from or to any port in British India to or from any port in the Red Sea is not propelled principally by steam as required by section 25, the master and owner shall each be punished with fine which may extend to five hundred rupees, or with imprisonment which may extend to three months, or with both.

Penalty on master and owner of certain ships not propelled by steam.

42. If a ship carrying more than one hundred passengers from or to any port in British India to or from any port in the Red Sea has not on board a medical officer as required by section 26, the master of the ship shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master of certain ships sailing without medical officer.

43. If in the case of a ship to which section 27 applies the master without reasonable excuse, the burden of proving which shall lie upon him, fails to touch at Aden, or leaves that port without having obtained a bill of health under that section, he shall, for every such offence, be punished with fine which may extend to two thousand rupees, or with imprisonment for a term which may extend to six months, or with both.

Penalty for not obtaining bill of health at Aden.

44. If in the case of any such ship as is referred to in the last foregoing section the master or the medical officer, if any, of the ship without reasonable excuse, the burden of proving which shall lie upon him, breaks, or omits or neglects to obey, any rule under this Act applicable to the ship, he shall be punished with fine which may extend to five hundred rupees, or with imprisonment for a term which may extend to three months, or with both.

Penalty on master or medical officer of certain ships disobeying rules.

45. If the master of a ship to which a direction under section 30 applies knowingly receives on board the ship any person in contravention of that section, he shall be punished with fine which may extend to five hundred rupees for each person so received, or with imprisonment which may extend to three months, or with both.

Penalty on master receiving passenger in contravention of section 30.

Procedure.

Adjudication of offences, and levy of fine by distress on ship.

46. (*1*) Offences against this Act shall be punishable by a Magistrate.

(*2*) If the person on whom a fine is imposed under this Act is the master or owner of a ship, and the fine is not paid at the time and in the manner prescribed by the order of payment, the Magistrate may, in addition to the ordinary means prescribed by law for enforcing payment, direct by warrant the amount remaining unpaid to be levied by distress and sale of the ship, her tackle, furniture and apparel.

Jurisdiction.

47. For the purpose of the adjudication of penalties under this Act, every offence against its provisions shall be deemed to have been committed within the limits of the jurisdiction of the Magistrate of the place where the offender is found.

Authority to institute proceedings for penalties.

48. The penalties to which masters and owners of ships are made liable by this Act shall be enforced only on information laid at the instance of officers appointed to grant certificates under this Act, or, at any port or place where there is no such officer, at the instance of the Chief Customs-officer.

Application of fines.

49. A Magistrate imposing a fine under this Act may, if he thinks fit, direct the whole or any part thereof to be applied in compensating any person for any detriment which he may have sustained by the act or default in respect of which the fine is imposed, or in or towards payment of the expenses of the prosecution.

Depositions of absent witnesses.

50. (*1*) Whenever in the course of any legal proceeding under this Act the testimony of a witness is required in relation to the subject-matter of the proceeding, any deposition which he may have previously made in relation to the same subject-matter before any Justice or Magistrate in Her Majesty's dominions (including all parts of India other than those subject to the same Local Government as the port or place where the proceeding is instituted), or before any British consular officer elsewhere, shall be admissible in evidence on proof that the witness cannot be found within the jurisdiction of the Court in which the proceeding is instituted:

Provided that the deposition shall not be admissible unless—

(*a*) it is authenticated by the signature of the Justice, Magistrate or consular officer;

(*b*) it was made in the presence of the person accused; and

(*c*) the fact that it was so made is certified by the Justice, Magistrate or consular officer.

(*2*) It shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition; and in

any criminal proceeding such certificate as aforesaid shall, unless the contrary is proved, be sufficient evidence of the accused having been present in manner thereby certified.

CHAPTER VI.

SUPPLEMENTAL PROVISIONS.

Information to be sent to ports of embarkation and discharge.

51. (*1*) The Chief Customs-officer, or other officer, if any, appointed by the Local Government in this behalf, at any port or place within British India at which a ship carrying passengers touches or arrives, shall, with advertence to the provisions of this Act, send any particulars which he may deem important respecting the ship, and the passengers carried therein, to the officer at the port or place from which the ship commenced her voyage, and to the officer at any other port or place within British India where the passengers or any of them embarked or are to be discharged.

(*2*) The Chief Customs-officer, or other officer, if any, appointed by the Local Government in this behalf, at any port or place in British India at which a ship to which this Act applies touches or arrives, may enter on the ship and inspect her in order to ascertain whether the provisions of this Act as to the number of passengers and other matters have been complied with.

Report of Consul.

52. In any proceeding for the adjudication of any penalty incurred under this Act any document purporting to be a report of such particulars as are referred to in sub-section (*1*) of the last foregoing section, or a copy of the proceedings of any Court of Justice duly authenticated, and also any like document purporting to be made and signed by any person lawfully exercising consular authority on behalf of Her Majesty in any foreign port, shall be received in evidence, if it appears to have been officially transmitted to any officer at or near the place where the proceeding under this Act is had.

Power for Governor General in Council and Local Government to make rules.

53. (*1*) The Governor General in Council may make rules consistent with this Act to regulate, in the case of any ship or class of ships, all or any of the following matters:—

(*a*) the scale on which food, fuel and water are to be supplied to the passengers or to any class or classes of passengers, and the quality of the food, fuel and water;

(*b*) the medical stores and other appliances and fittings to be provided on board for maintaining health, cleanliness and decency;

(*c*) the licensing and appointment of medical officers in cases where they are required by this Act to be carried;

(*d*) the boats, anchors and cables to be provided on board;

(*e*) the instruments for purposes of navigation to be supplied;

(*f*) the apparatus for the purpose of extinguishing fires on board and the precautions to be taken to prevent such fires;

(*g*) the provision of appliances for saving life and of means for making signals of distress, and the supply of lights inextinguishable in water and fitted for attachment to life-buoys;

(*h*) the functions of the master, medical officer (if any) and other officers of the ship during the voyage;

(*i*) the access of between-decks passengers to the upper deck; and

(*j*) generally, to carry out the purposes of this Act.

(*2*) The Local Government may, with the previous sanction of the Governor General in Council, make rules consistent with this Act to regulate, in the case of any ship or class of ships,—

(*a*) the local limits within which, and the time and mode at and in which, passengers are to be embarked or discharged at any port or place appointed under this Act in that behalf; and

(*b*) the time within which the ship or any ship of the class is to depart or proceed on her voyage after commencing to take passengers on board.

(*3*) In making a rule under this section the authority making it may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and when the breach is a continuing breach with a further fine which may extend to twenty rupees forevery day after the first during which the breach continues.

(*4*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

Appointment of officers.

54. The Local Government shall appoint such persons as it thinks fit to exercise and perform the powers and duties which are conferred and imposed by this Act or may be conferred and imposed thereunder.

Power to declare what shall be deemed "seasons of fair weather" and "long voyages".

55. The Governor General in Council may declare, by notification in the Gazette of India, what shall be deemed to be, for the purposes of this Act, "seasons of fair weather" and "seasons of foul weather", and, for sailing-ships and steam-ships respectively, a "long voyage" and a "short voyage".

Power to prescribe space to be available for passengers.

56. The Governor General in Council may by order prescribe in the case of any ship or class of ships and for all or any voyages the number of superficial or of cubic feet of space to be available for passengers; and the order shall be alternative to, or override, as the Governor General in Council may

direct, the provisions of sections 18 and 21 so far as they apply to that ship or class of ships.

Power to exempt ship from provisions of Act.

57. (*1*) The Local Government, with the previous sanction of the Governor General in Council, may, subject to such conditions as it thinks fit, exempt any ship or class of ships from any provision of this Act.

(*2*) In imposing a condition under this section the Local Government may direct that a breach of it shall be punishable with fine which may extend to two hundred rupees, and when the breach is a continuing breach with a further fine which may extend to twenty rupees for every day after the first during which the breach continues.

SCHEDULE.

ENACTMENTS REPEALED.

(*See section 4.*)

Number and year.	Title.	Extent of repeal.
VIII of 1876 . . .	Native Passenger Ships Act, 1876 .	The whole.
XVII of 1883 . . .	Native Passenger Ships Act, 1883 .	The whole.
VII of 1884 . . .	Indian Steam-ships Act, 1884 . .	Section 41.

ACT No. XIII OF 1887.

Received the Governor General's assent on the 11th March, 1887.

An Act to provide for the protection of person and property from the risks incident to the supply and use of electricity for lighting and other purposes.

WHEREAS it is expedient to control the supply and use of electricity for lighting and other purposes;

And whereas in the existing circumstances of the supply and use of electricity in India the exercise of that control by means of licenses or other like methods may be deferred, and it will suffice for the present to provide for the protection of person and property from the risks incident to such supply and use;

It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Electricity Act, 1887.

(*2*) It shall extend to the whole of British India; and

(*3*) It shall come into force on the first day of July, 1887.

Definitions.

2. In this Act, unless there is something repugnant in the subject or context,—

(*1*) "electricity" includes galvanism, magnetism, magneto-electricity and electro-magnetism:

(*2*) expressions defined in the Indian Telegraph Act, 1885, have the meanings assigned to them in that Act: XIII of 1885.

(*3*) "purpose" includes any purpose except the transmission of a message: and

(*4*) "vessel" includes anything used for the conveyance by water of human beings or of property.

Notice of intention to supply or use electricity.

3. In either of the following cases, namely:—

(*a*) if a person intends to undertake the business of supplying electricity, or

(*b*) if a person intends to use electricity for any public purpose, or in any public place, or in any place where there is likelihood of the public being affected, or in a place in which one hundred or more persons are likely to be assembled, or in a place which is a factory within the meaning of the Indian Factories Act, 1881, XV of 1881.

the person shall, one week at least before commencing the supply or use, give notice of his intention to the District Magistrate or, in a presidency-town, to the Commissioner of Police.

Power to make rules.

4. (*1*) The Governor General in Council may make such rules as he thinks expedient—

(*a*) for the protection of person and property from injury by reason of contact with, or the proximity of, appliances or apparatus used in the generation or supply of electricity, and

(*b*) for preventing telegraph-lines from being injuriously affected by any of those appliances or apparatus.

(*2*) The rules may, among other matters, authorize, or empower a Local Government or other authority to authorize, any officer, either by name or in virtue of his office, to enter, inspect and examine any place, carriage or vessel in which the officer has reason to believe any such appliances or apparatus to be.

(*3*) Any rules made in pursuance of this section shall be deemed to be within the powers conferred by this section on the Governor General in Council, and shall be of the same force as if enacted by this Act.

(*4*) The power to make rules under this section is subject to the condition of the rules being made after previous publication.

Penalties.

5. If a person undertakes the business of supplying electricity, or uses electricity for any such purpose or in any such place as is referred to in section 3, without giving the notice required by that section, or infringes any rule under section 4, or obstructs an officer in the exercise of his authority under any such rule to enter, inspect and examine any place, carriage or vessel, he shall be punished with fine which may extend to five hundred rupees, and, if he continues so to supply or use electricity or infringe the rule or obstruct the officer, after notice in writing to desist from so doing has been given to him by the District Magistrate or, in a presidency-town, by the Commissioner of Police, he shall be further punished with fine which may extend to one hundred rupees for every day during which such supply, use, infringement or obstruction continues.

Exercise for the purposes of the Government of the powers of the telegraph-authority.

6. The Governor General in Council may, for the placing of appliances and apparatus for the supply of electricity for any purpose of the Government, confer upon any public officer any of the powers which the telegraph-authority possesses under the Indian Telegraph Act, 1885, with respect to the placing of telegraph lines and posts for the purposes of a telegraph established or maintained by the Government or to be so established or maintained.

XIII of 1885.

THE INDIAN MARINE ACT, 1887.

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ACT No. XIV OF 1887.

Received the Governor General's assent on the 30th June, 1887.

An Act for the better administration of Her Majesty's Indian Marine Service.

47 & 48 Vict., c. 38.

24 & 25 Vict., c. 67.

WHEREAS by the Indian Marine Service Act, 1884, it is, among other things, enacted that the Governor General of India in Council shall have power, subject to the provisions contained in the Indian Councils Act, 1861, as amended by subsequent Acts, at meetings for the purpose of making laws and regulations, to make laws for all persons employed or serving in, or belonging to, Her Majesty's Indian Marine Service :

Provided that—

(*a*) a law made under that power shall not apply to any offence unless the vessel to which the offender belongs is at the time of the commission of the offence within the limits of Indian waters, which are defined by the said Indian Marine Service Act to include the high seas between the Cape of Good Hope on the west and the Straits of Magellan on the east, and all territorial waters between those limits ; and

(*b*) the punishments imposed by any such law for offences shall be similar in character to, and shall not be in excess of, the punishments which may at the time of making the law be imposed for similar offences under the Acts relating to Her Majesty's Navy, except that in the case of persons other than Europeans or Americans imprisonment for any term not exceeding fourteen years, or transportation for life or any less term, may be substituted for penal servitude ;

And whereas it is further provided by the said Indian Marine Service Act that subject to the provisions of that Act a law made thereunder shall be of the same force and effect as an Act of Parliament and shall be taken notice of by all Courts of Justice in the same manner as if it were a Public Act of Parliament ;

And whereas in pursuance of the power thus conferred and of all other powers vested in the Governor General in Council in this behalf it is expedient to make such laws as are mentioned in the said Indian Marine Service Act and to make provision in other particulars for the proper regulation of, and otherwise in relation to, the Indian Marine Service ;

And whereas the Secretary of State for India in Council has given his previous approval to the passing of this Act ;

It is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Title and commencement.

1. (*1*) This Act may be called the Indian Marine Act, 1887 ; and

(*2*) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.[a]

Definitions.

2. (*1*) In this Act, unless there is something repugnant in the subject or context,—

(*a*) "person subject to this Act" means a person who is employed or serves in, or belongs to, the Indian Marine Service, and who, if he is not a gazetted officer, has been enrolled in that service in the manner provided by this Act :

(*b*) "gazetted officer" means a person who by virtue of his letter of appointment is holding a position in the Indian Marine Service as—

Commander,	Chief engineer,
First grade officer,	Engineer,
Second grade officer,	Assistant engineer, or
Third grade officer,	Clerk :

(*c*) "warrant-officer" means a person who by virtue of his appointment is holding a position in the Indian Marine Service as—

Gunner,	Engine-driver, first class,
Apothecary,	Carpenter,
Assistant apothecary,	Hospital assistant, or
Assistant clerk,	General mess steward :

(*d*) "petty officer" means a person who by virtue of his appointment is holding a position in the Indian Marine Service as—

Chief syrang, first class,	Tindal of lascars, first class,
Chief syrang, second class,	Tindal of lascars, second class,
Ship's steward,	Tindal of stokers, first class,
Engine-driver, second class,	Tindal of stokers, second class,
Cook on a salary of not less than fifty rupees per mensem,	Kassaub, first class,
General mess butler,	Kassaub, second class, or
Syrang of lascars, first class,	Cook on a salary of less than fifty rupees per mensem :
Syrang of lascars, second class,	

(*e*) "superior officer", used with reference to an officer of a rank mentioned in clause (*b*), clause (*c*) or clause (*d*) of this sub-section, means an

[a] The Act came into force on 15th October, 1887—see Gazette of India, 8th October, 1887, Pt. I, p. 500.

officer of a rank mentioned before his in any of those clauses, and, used with reference to any other person subject to this Act, means an officer mentioned in any of those clauses :

(*f*) "commanding officer" means the officer in command of a vessel, whether by special appointment or by the rules or customs of the service, and includes, as regards any persons subject to this Act who are employed otherwise than on board the vessel to which they belong, such officer, if any, as the Governor General in Council appoints, instead of the commanding officer of that vessel, to discharge the functions of commanding officer with respect to those persons .

(*g*) "enemy" includes a pirate or rebel :

(*h*) "Indian Marine Court" means an Indian Marine Court held under this Act :

(*i*) "Criminal Court" means a Court having ordinary criminal jurisdiction in British India or such a Court established elsewhere by the authority of the Governor General in Council : and

(*j*) "prescribed" means prescribed by rules made by the Governor General in Council.

(*2*)[a] The Governor General in Council may, by notification in the Gazette of India, vary any of the definitions in clauses (*b*), (*c*) and (*d*) of sub-section (*1*) as occasion may appear to him to require, and the references to those clauses in the definition of the expression "superior officer" in clause (*e*) of that sub-section shall be construed to be references to them as varied by any notification published under this sub-section and for the time being in force.

Procedure on enrolment.

3. (*1*) A person to be enrolled in the Indian Marine Service shall be brought on to the quarter-deck or other suitable place on board ship or on shore, and the commanding or other prescribed officer shall then—

(*a*) cause to be read and explained to him the rules of the service,

(*b*) administer to him an oath of allegiance, and

(*c*) cause him to sign a roll.

(*2*) The rules, oath and roll shall be in prescribed forms.

General power to make rule

4.[b] In addition to any other rules which may be made under this Act, the Governor General in Council may, by notification in the Gazette of India, make rules consistent with this Act for the guidance of officers, whether military, Indian Marine, civil or political, in all matters connected with its enforcement.

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[a] Sub-s. (*2*) of s. 3 has been substituted by Act XVII of 1888—see *infra*, p. 247.

[b] For rules under section 4, see Gazette of India, 29th October, 1887, Pt. I, p. 551.

CHAPTER II.

Offences and Punishments.

Misconduct in the Presence of the Enemy.

Misconduct of commanding officer in action.

5. If a commanding officer—

(i) upon signal of battle, or on sight of a vessel of an enemy which it is his duty to engage, does not use his utmost exertion to bring his vessel into action, or

(ii) does not during an action, in his own person and according to his rank, encourage his inferior officers and men to fight courageously, or

(iii) when capable of making a successful defence, surrenders his vessel to the enemy, or

(iv) in time of action improperly withdraws from the fight,

he shall,—

(*a*) if he has acted from cowardice, suffer penal servitude or such other punishment as is hereinafter mentioned;

(*b*) if he has acted from negligence, or through other default, be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Not pursuing the enemy or not assisting a friend in view.

6. If any officer subject to this Act—

(i) forbears to pursue the chase of any enemy beaten or flying, or

(ii) does not relieve and assist a known friend in view to the utmost of his power, or

(iii) improperly forsakes his station,

he shall,—

(*a*) if he has acted from cowardice, suffer penal servitude or such other punishment as is hereinafter mentioned;

(*b*) if he has acted from negligence, or through other default, be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Delaying or discouraging action or service, or deserting post or sleeping on watch.

7. If any person subject to this Act,—

(i) when any action or service is commanded, presumes to delay or discourage the action or service upon any pretence whatever, or

(ii) in the presence or vicinity of the enemy deserts his post or sleeps upon his watch,

he shall suffer penal servitude or such other punishment as is hereinafter mentioned.

Misconduct of subordinate officers

8. If any person subject to this Act, other than a commanding officer, does not, when ordered to prepare for action, or during an action, use his

utmost exertion to carry the orders of his superior officer into execution, he shall,— and men in action.

(*a*) if he has acted from cowardice, suffer penal servitude or such other punishment as is hereinafter mentioned;

(*b*) if he has acted from negligence, or through other default, be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Communications with the Enemy.

9. If any person subject to this Act— Corresponding, &c., with the enemy.

(i) treacherously holds correspondence with or gives intelligence to the enemy, or

(ii) fails to make known to the proper authorities any information which he may have received from the enemy, or

(iii) relieves the enemy with any supplies,

he shall suffer penal servitude or such other punishment as is hereinafter mentioned.

10. If any person subject to this Act holds, without any treacherous intention, any improper communication with the enemy, he shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned. Improper communication with the enemy.

Neglect of Duty.

11. If a person subject to this Act deserts his post or sleeps upon his watch, or negligently performs the duty imposed on him, he shall suffer imprisonment or such other punishment as is hereinafter mentioned. Neglect of duty

Mutiny.

12. Where a mutiny is accompanied by violence, a person subject to this Act who joins therein shall suffer death or such other punishment as is hereinafter mentioned; and Mutiny accompanied by violence.

a person subject to this Act who does not use his utmost exertions to suppress the mutiny shall,—

(*a*) if he has acted traitorously, suffer death or such other punishment as is hereinafter mentioned;

(*b*) if he has acted from cowardice, suffer penal servitude or such other punishment as is hereinafter mentioned;

(*c*) if he has acted from negligence, be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Mutiny not accompanied by violence.

13. Where a mutiny is not accompanied by violence, a ringleader thereof, being a person subject to this Act, shall suffer death or such other punishment as is hereinafter mentioned; and all other persons subject to this Act who join in the mutiny, or do not use their utmost exertions to suppress it, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Inciting to mutiny.

14. A person subject to this Act who endeavours to seduce any other person subject to this Act from his duty or allegiance to Her Majesty, or endeavours to incite him to commit any act of mutiny, shall suffer death or such other punishment as is hereinafter mentioned.

Mutinous assembly or uttering seditious words.

15. A person subject to this Act who makes or endeavours to make any mutinous assembly, or leads or incites any other person to join in any mutinous assembly, or utters any words of sedition or mutiny, shall suffer penal servitude or such other punishment as is hereinafter mentioned.

Concealing traitorous, mutinous or seditious practice, design or words.

16. A person subject to this Act who wilfully conceals any traitorous or mutinous practice or design, or any seditious or mutinous words spoken against Her Majesty, or any practice, design or words tending to the hindrance of the service, shall suffer penal servitude or such other punishment as is hereinafter mentioned.

Striking or using violence to superior officer.

17. A person subject to this Act who strikes or attempts to strike, or uses or attempts to use any violence against, his superior officer, being in the execution of his office, or otherwise, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Insubordination.

Disobedience or using threatening language to superior officer.

18. A person subject to this Act who wilfully disobeys any lawful command of his superior officer, or uses threatening or insulting language, or behaves with contempt, to his superior officer, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Desertion and Absence without Leave.

Desertion.

19. A person subject to this Act who—

(i) absents himself from his vessel or from the place where his duty requires him to be, with the intention of not returning to that vessel or place; or

(ii) at any time and under any circumstances, when absent from his vessel or place of duty, does any act which shows that he has an intention of not returning to that vessel or place;

shall be deemed to have deserted, and shall suffer penal servitude or such other punishment as is hereinafter mentioned;

and in every such case he shall forfeit all pay, bounty, salvage, prize-money and allowances which may have been earned by him, and all annuities, pensions, gratuities, medals and decorations which may have been granted to him, and also all clothes and effects which he may have left on board the vessel or at the place from which he has deserted, unless it is otherwise directed by the Court by which he is tried or by the Governor General in Council.

Inducing any person to desert.

20. A person subject to this Act who endeavours to seduce any other person subject to this Act to desert shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Breaking out of vessel.

21. A person subject to this Act who, without being guilty of desertion, improperly leaves his vessel or place of duty shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Absence without leave.

22. A person subject to this Act who, without being guilty of desertion or of improperly leaving his vessel or place of duty, is absent without leave shall suffer imprisonment for any period not exceeding ten weeks or such other punishment as the circumstances of the case may require.

Miscellaneous Offences.

Drunkenness on board ship or on duty.

23. A person subject to this Act who is guilty of any drunkenness on board ship or on duty shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Cruelty or misconduct by officer.

24. An officer subject to this Act who is guilty of cruelty, or of any scandalous or fraudulent conduct, or of any other conduct unbecoming the character of an officer, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Suffering vessel to be lost or imperilled.

25. A person subject to this Act who designedly or negligently, or by any default, loses, strands or hazards, or suffers to be lost, stranded or hazarded, any vessel of the Indian Marine Service, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Unlawful taking of goods on board.

26. An officer in command of an Indian Marine vessel who receives on board, or permits to be received on board, the vessel any goods or merchandise whatsover, other than for the sole use of the vessel, except gold, silver or jewels, and except goods and merchandise, belonging to any merchant or on board any vessel which may be shipwrecked or in imminent danger either on the sea or in some port, creek, harbour or river, for the purpose of preserving them for their proper owners, or except such goods or merchandise as he may at any time be ordered to take or receive on board by order of

the Government or his superior officer, shall be dismissed from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Embezzling public stores.

27. A person subject to this Act who wastefully expends, embezzles or fraudulently buys, sells or receives any ammunition, provisions or other public stores, or knowingly permits any such wasteful expenditure, embezzlement or fraudulent purchase, sale or receipt, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Arson.

28. A person subject to this Act who unlawfully sets fire to any dockyard, victualling yard, steam-factory yard, arsenal, magazine, building or stores, or to any ship, boat or other craft or furniture thereunto belonging, not being the property of an enemy, shall suffer penal servitude or such other punishment as is hereinafter mentioned.

Making false documents.

29. A person subject to this Act who knowingly makes or signs a false muster or record or other official document, or who commands, counsels or procures the making or signing thereof, or who aids or abets any other person in the making or signing thereof, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned.

Malingering or misconduct in hospital.

30. A person subject to this Act who wilfully does any act or wilfully disobeys any order, whether in hospital or elsewhere, with intent to produce or to aggravate any disease or infirmity or to delay his cure, or who feigns any disease, infirmity or inability to perform his duty, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Creating disturbance on account of complaints.

31. A person subject to this Act who has any cause of complaint, either upon the ground of the unwholesomeness of the victuals or upon any other ground, shall quietly make the same known to his commanding officer, and that officer shall inquire into the complaint and shall, as far as he is able, cause the same to be presently remedied, or shall report the case to the Director of Marine; and any person subject to this Act who, upon any pretence whatever, attempts to stir up any disturbance on any such ground shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Offences to the prejudice of good order and discipline not otherwise specified.

32. A person subject to this Act who is guilty of any act, disorder or neglect, to the prejudice of good order and discipline, not hereinbefore specified, shall be dismissed with disgrace from the Indian Marine Service or suffer such other punishment as is hereinafter mentioned:

Provided that, if such act, disorder or neglect constitutes an offence punishable under the law of British India with imprisonment for a term which

may exceed seven years, the person guilty thereof shall not be tried under this Act as for an offence punishable under this section.

Not assisting in arresting offenders.

33. A person subject to this Act who does not use his utmost exertion to detect, arrest and bring to punishment all offenders against this Act, and does not assist the officers appointed for that purpose, shall suffer imprisonment or such other punishment as is hereinafter mentioned.

Contempt of Court.

34. A person subject to this Act, who, being duly summoned or ordered to attend as a witness before an Indian Marine Court or a commanding officer exercising jurisdiction under this Act, or to produce any document in his power or control before such a Court or officer, refuses or neglects to attend to give his evidence upon oath or to produce the document, or behaves with contempt to the Court or officer, shall suffer imprisonment which may extend to three months in the case of such refusal or neglect and to one month in the case of such contempt.

False evidence.

35. A person subject to this Act who, when examined on oath before an Indian Marine Court or a commanding officer exercising jurisdiction under this Act, intentionally gives false evidence, shall suffer imprisonment for a term which may extend to seven years.

Offences punishable by Ordinary Law.

Offences punishable by ordinary law.

36. If a person subject to this Act is guilty of any criminal offence which if committed in British India would be punishable by the law of British India, he shall, subject to the other provisions of this Act, be liable to the same punishment as might for the time being be awarded in British India by any ordinary criminal tribunal competent to try him if the offence had been committed in British India:

47 & 48 Vict., c. 38

Provided that, except as authorized by the Indian Marine Service Act, 1884, and by this Act, the punishment awarded for the offence shall not be dissimilar in character to or in excess of the punishment which may at the time of the passing of this Act be imposed for a similar offence under the Acts relating to Her Majesty's Navy.

Punishments.

Schedule of punishments.

37. (*1*) The following punishments may be inflicted under this Act:—

(*a*) death;

(*b*) penal servitude;

(*c*) dismissal with disgrace from the Indian Marine Service;

(*d*) imprisonment;

(*e*) dismissal from the Indian Marine Service;

(*f*) loss of seniority as an officer for a specified time or otherwise;

(*g*) dismissal from the vessel to which the offender belongs;

(*h*) severe reprimand, or reprimand;

(*i*) disrating a warrant-officer or petty officer or any other person below that rank;

(*j*) forfeiture of pay, bounty, salvage, prize-money and allowances earned by, and of all annuities, pensions, gratuities, medals and decorations granted to, the offender, or of any one or more of the above particulars; also, in the case of desertion, of all clothes and effects left by the deserter on board the vessel to which he belongs.

(*2*) Each of the above punishments shall be deemed to be inferior in degree to every punishment preceding it in the above scale.

Regulations as to the infliction of punishments.

38. The following regulations shall apply to the infliction of punishments:—

(*1*) The punishment of penal servitude may, except when otherwise provided by this Act, be inflicted for the term of life or for any other term not less than four years.

(*2*) In the case of persons other than Europeans or Americans, transportation for life or for any term not less than four years, or imprisonment for any term not exceeding fourteen years, shall be substituted for penal servitude.

(*3*) The punishment of penal servitude or of transportation, or of imprisonment for more than two years when substituted for penal servitude under the provisions of this Act, shall in all cases involve dismissal from the Indian Marine Service, with or without disgrace, as the prescribed authority may direct.

(*4*) Dismissal with disgrace shall involve in all cases forfeiture of all pay, bounty, salvage, prize-money and allowances earned by, and of all annuities, pensions, gratuities, medals and decorations granted to, the offender, and an incapacity to serve the Government again in any capacity.

(*5*) A sentence of dismissal with disgrace may in any case be accompanied by a sentence of imprisonment.

(*6*) Except as otherwise provided by this Act, a sentence of imprisonment passed otherwise than under clause (*2*) of this section may extend to two years.

(*7*) A sentence of imprisonment may be accompanied by a direction that the imprisonment shall be rigorous for the whole or any part of the term thereof.

(*8*) When a sentence of imprisonment is passed on a warrant-officer or petty officer or any other person below that rank, it may be accompanied by a direction disrating the officer or person.

(*9*) A sentence of imprisonment shall in all cases be accompanied by forfeiture of pay and allowances during the imprisonment.

Scale of punishments.

39. Subject to the foregoing regulations and the other provisions of this Act, where any punishment is specified by this Act as the penalty for an offence, and it is further declared that another punishment may be awarded in respect of the same offence, the expression "other punishment" shall be deemed to comprise any one or more of the punishments inferior in degree to the specified punishment according to the scale set forth in section 37.

Limitation of time for trials.

40. No person, unless he is an offender who has avoided arrest or fled from justice, shall be tried or punished in pursuance of this Act for any offence committed by him unless the trial takes place within three years from the commission of the offence, or within one year after the return of the offender to British India when he has been absent from British India during that period of three years.

CHAPTER III.

Jurisdiction and Powers.

Offences cognizable by Criminal Courts and Indian Marine Courts respectively.

41. Subject to the provisions of this Act, and, as respects Criminal Courts, subject to the law relating to criminal procedure for the time being applicable to those Courts, Criminal Courts and Indian Marine Courts or both shall have jurisdiction in respect of the offences punishable under this Act as specified in the following table :—

Section of this Act.	Marginal note.	Courts having jurisdiction.
Section 5	Misconduct of commanding officer in action	Criminal Courts and Indian Marine Courts.
" 6	Not pursuing the enemy or not assisting a friend in view.	
" 7	Delaying or discouraging action or service or deserting post or sleeping on watch.	
" 8	Misconduct of subordinate officers and men in action.	
" 9	Corresponding, &c., with the enemy .	
" 10	Improper communication with the enemy .	
" 11	Neglect of duty	Indian Marine Courts.
" 12	Mutiny accompanied by violence . .	Criminal Courts and Indian Marine Courts.
" 13	Mutiny not accompanied by violence .	
" 14	Inciting to mutiny	
" 15	Mutinous assembly or uttering seditious words.	
" 16	Concealing traitorous, mutinous or seditious practice, design or words.	

Section of this Act.		Marginal note.	Courts having jurisdiction
Section	17	Striking or using violence to superior officer	Indian Marine Courts.
"	18	Disobedience or using threatening language to superior officer.	
"	19	Desertion	Criminal Courts and Indian Marine Courts.
"	20	Inducing any person to desert . . .	
"	21	Breaking out of vessel	Indian Marine Courts.
"	22	Absence without leave	
"	23	Drunkenness on board ship or on duty .	
"	24	Cruelty or misconduct by officer . .	
"	25	Suffering vessel to be lost or imperilled	
"	26	Unlawful taking of goods on board . .	
"	27	Embezzling public stores . . .	Criminal Courts and Indian Marine Courts.
"	28	Arson	
"	29	Making false documents	
"	30	Malingering or misconduct in hospital .	Indian Marine Courts.
"	31	Creating disturbance on account of complaints.	
"	32	Offences to the prejudice of good order and discipline not otherwise specified.	
"	33	Not assisting in arresting offenders . .	Criminal Courts and Indian Marine Courts
"	34	Contempt of Court	
"	35	False evidence	
"	36	Offences punishable by ordinary law . .	Criminal Courts.

Power to pass sentences

42. Subject as aforesaid—

(*a*) a Criminal Court may pass a sentence of death, penal servitude, transportation or imprisonment; and

(*b*) an Indian Marine Court may pass any sentence authorized by this Act except a sentence of death, penal servitude or transportation or of imprisonment for a term exceeding two years.

Jurisdiction and powers of commanding officers.

43. (*1*) An offence triable by an Indian Marine Court and committed by a person other than a gazetted officer may, under such regulations as the Governor General in Council may make, be summarily tried and punished by the commanding officer of the offender.

(*2*) Subject to the provisions of this Act and to such restrictions as the Governor General in Council may impose, a commanding officer may pass a sentence of imprisonment for a period not exceeding three months on an offender below the position of petty officer, and may disrate any warrant-officer or petty officer or any other person below that rank.

Place of trial

44. A person subject to this Act who is accused of an offence to which this Act applies may be tried and punished for the offence by a Criminal Court in any place where he may happen to be in the same manner as if the offence had been committed in that place.

Jurisdiction

45. Where such an offence has been committed by any person while

subject to this Act, he may be taken into custody and be tried and punished for the offence, although he has ceased to be subject to this Act, in like manner as he might have been taken into custody and tried and punished if he had continued to be so subject.

over person ceasing to be subject to Act.

46. When a person subject to this Act is accused of an offence in respect of which a Criminal Court has jurisdiction over him under this Act or otherwise, the following rules shall apply, namely :—

Case of person charged with an offence cognizable by a Criminal Court.

(*a*) any person subject to this Act shall, on application made to him by the Court, assist in arresting and securing the accused, and the commanding officer shall, if so required by the Court, deliver the accused to the Court;

(*b*) when no requisition is made under clause (*a*), the commanding officer may, if he thinks fit, place the accused in custody with a view to delivering him up to such Criminal Court as appears to him most convenient in all the circumstances of the case.

47. When a person subject to this Act is accused of an offence in respect of which an Indian Marine Court or a commanding officer has jurisdiction under this Act, and that person is within the jurisdiction of any civil, political or police officer, that officer shall, upon an application to that effect made to him by the commanding officer of that person or any prescribed authority, aid in the arrest of the person and deliver him when arrested into such custody as the commanding officer or the prescribed authority may require.

Case of person charged with an offence cognizable by an Indian Marine Court or commanding officer.

48. When an Indian Marine Court or commanding officer under this Act, and a Criminal Court under this Act or otherwise, have concurrent jurisdiction in respect of an offence, and there is a difference of opinion as to the tribunal before which the person accused of the offence should be proceeded against, either tribunal shall, on the requisition of the other, stay proceedings pending a reference to the Governor General in Council, whose order as to the tribunal before which the proceedings are to be had shall be final.

Conflict of jurisdiction.

49. An offender shall not be tried by an Indian Marine Court or by his commanding officer for any offence of which he has been convicted or acquitted by a Criminal Court or an Indian Marine Court or, in exercise of the powers conferred by section 43, by his commanding officer.

Previous conviction or acquittal.

50. Where a person liable to be tried by an Indian Marine Court under this Act is in confinement in pursuance of a sentence of a Criminal Court, the Director of Marine or other prescribed authority may make an order in the form in Schedule B to the Prisoners' Testimony Act, 1869, directed to the officer in charge of the place in which the person is confined, and the provisions of that Act with respect to compliance with any order made thereunder

Application of Act XV of 1869 to Indian Marine Courts.

X of 1870.

shall, so far as they can be made applicable, apply in the case of any order made under this section.

Powers of Governor General in Council in respect of sentences.

51. The Governor General in Council may suspend, annul or modify any sentence passed by an Indian Marine Court on a commanding officer under this Act, or substitute a punishment inferior in degree for the punishment involved in any such sentence, or remit the whole or any portion of the punishment involved in any such sentence, or remit the whole or any portion of any punishment into which the punishment involved in any such sentence has been commuted; and any sentence so modified shall, subject to the provisions of this Act, be valid, and shall be carried into execution as if it had been originally passed with such modification by the Court or officer, but so that the punishment involved in any sentence be not increased by any such modification.

CHAPTER IV.

INDIAN MARINE COURTS.

Constitution of the Court.

Power to convene Indian Marine Court.

52. (*1*) The following authorities shall have power to convene Indian Marine Courts, namely :—

(*a*) the Governor General in Council;

(*b*) the Director of Marine;

(*c*) an officer empowered in that behalf by warrant of the Governor General in Council:

Provided that an Indian Marine Court assembled for the trial of a gazetted officer shall be convened only by, or with the previous sanction of, the Governor General in Council.

(*2*) When a ship or ships is or are detached on separate service, and when immediate example is necessary, and without detriment to the public service reference cannot be made to superior authority, the officer in command of the ship or ships may, without warrant, convene an Indian Marine Court for the trial of any person under his command being subject to this Act and below the rank of a gazetted officer.

Composition of Indian Marine Court.

53. (*1*) An Indian Marine Court shall consist of a president and not less than two or more than four other members of rank not inferior to that of first grade officer as may be ordered by the convening authority:

Provided that an Indian Marine Court convened under section 52, sub-section (*2*), may be composed of the officer convening the same as president, and the two graded officers next in seniority available for the duty.

(*2*) The president of an Indian Marine Court for the trial of a commander shall always be a commander, and two at least of the other officers composing the Court shall be commanders.

(*3*) The president of an Indian Marine Court for the trial of any person below the grade of commander, except an Indian Marine Court convened under section 52, sub-section (*2*), shall be a commander.

(*4*) A person acting as prosecutor shall not be a member of the Court.

(*5*) An officer convening an Indian Marine Court shall not sit thereon except as permitted by the proviso to sub-section (*1*).

(*6*) The president and the other members of every Indian Marine Court shall be named by the authority convening the same.

(*7*) When an Indian Marine Court, after the commencement of the trial, is reduced to a less number than three members, it shall be deemed to be dissolved.

(*8*) In the case of the death or unavoidable absence of the president of an Indian Marine Court, the next senior member of the Court, if qualified under sub-section (*2*) or sub-section (*3*), as the case may be, shall take the place of the president without special appointment as such.

(*9*) If such next senior member is not qualified as aforesaid, the Court shall be deemed to be dissolved.

Procedure at the Trial.

54. An Indian Marine Court shall be held on board one of Her Majesty's Indian Marine vessels or on land. Place of sitting of Indian Marine Court.

55. As soon as an Indian Marine Court is assembled, the names of the members of the Court shall be read over to the prisoner, who shall be asked if he objects to being tried by any of them; if the prisoner objects to any member, the objection shall be decided by the Court; if the objection is allowed, the place of the member objected to shall be filled up by the officer next in seniority available for the duty who is not on the Court, subject to the regulations contained in section 53, sub-sections (*2*), (*3*), (*4*) and (*5*): Challenge.

Provided that where the Court is composed as in the proviso to section 53, sub-section (*1*), and no officer qualified under that section is available to take the place of the officer objected to, the Court shall, after recording the objection, proceed with the trial in like manner as if the objection had been disallowed.

56. (*1*) Before an Indian Marine Court proceeds to try a prisoner, an oath shall be made by every member of the Court in the prescribed manner. Oaths.

(*2*) An oath shall be made in the prescribed manner by any person who gives evidence or acts as an interpreter before an Indian Marine Court.

Trial of officers and crew by one Court.

57. When no specific charge is made against any person subject to this Act for, or in respect or in consequence of, the wreck, loss, destruction or capture of any vessel in the Indian Marine Service, all the officers and crew of the vessel may, if the authority convening the Court thinks fit, be tried together before one and the same Indian Marine Court; and any of them, when upon his trial, may be called upon to give evidence on oath touching any of the matters then under inquiry, but no person shall be obliged to give any evidence which may tend to criminate himself.

Dissolution of Court on illness of prisoner.

58. (*1*) If by reason of the illness of the prisoner before the finding it is impossible to continue the trial, an Indian Marine Court shall be deemed to be dissolved:

Provided that, where more prisoners than one are being tried and the trial of only one or some of them is rendered impossible by illness, the Court may, if it sees fit, continue the trial of the other or others, and, where the Court so continues the trial, it shall be deemed to have been dissolved only with respect to the prisoner or prisoners whose illness caused the continuance of his or their trial to be impossible.

(*2*) When the illness with which a prisoner is affected is insanity, the Court shall proceed, as nearly as circumstances admit, in the same manner as a Magistrate or Court may proceed, under section 466 of the Code of Criminal Procedure, 1882, when an accused person is found to be of unsound mind and incapable of making his defence. X of 1882.

Re-trial of prisoner after dissolution of Court.

59. Subject to the provisions of the last foregoing section, where an Indian Marine Court is dissolved under that section or section 53, sub-section (*7*) or sub-section (*9*), the proceedings are null and void, and the prisoner may be tried before another Indian Marine Court on the same charge or charges.

Clearing of Court.

60. The president may, on any deliberation among the members, cause an Indian Marine Court to be cleared of all other persons.

Decision of Court.

61. Every decision of an Indian Marine Court shall be passed by a majority of votes, and where there is an equality of votes the president shall have a second or casting vote:

Provided that if there is an equality of votes on the finding the decision shall be in favour of the prisoner.

Summoning witnesses.

62. (*1*) Every person who may be required to give evidence or to produce a document before an Indian Marine Court shall be summoned in the prescribed manner.

(*2*) A summons issued under this section may be sent to any officer exercising magisterial powers within whose jurisdiction the person summoned may be or resides, and the officer shall give effect to the summons as if the witness were required to attend in his Court.

Summary punishment of certain contempts.

63. When a person subject to this Act who, being duly summoned or ordered to attend as a witness before an Indian Marine Court, behaves with contempt to the Court, the Court, if it thinks fit, instead of reserving him for trial by another Court for an offence under section 34, may, by order under the hand of the president, sentence him to imprisonment for a term which may extend to one month.

Confirmation of Findings and Sentences.

Submission of proceedings to confirming authority.

64. (*1*) The president of an Indian Marine Court shall date and sign the proceedings of the Court and submit them, as soon as possible after their completion, to the confirming authority.

(*2*) If the Court has made a recommendation to mercy, the recommendation shall be recorded and submitted to the confirming authority as part of the proceedings.

Confirmation of findings and sentences.

65. A finding or sentence of an Indian Marine Court shall not be valid except in so far as it may be confirmed by the confirming authority.

Confirming authority.

66. (*1*) The confirming authority shall ordinarily be the authority convening the Court.

(*2*) But if the Court was convened for the trial of a gazetted officer with the previous sanction of the Governor General in Council, or if, in the case of a Court convened for the trial of any other person subject to this Act, the Governor General in Council is of opinion that the authority convening the Court cannot act, or cannot conveniently act, as the confirming authority, the confirming authority shall be the Governor General in Council.

(3) The fact that the Governor General in Council has acted as the confirming authority with respect to any finding or sentence shall be conclusive proof that he was the proper confirming authority with respect thereto.

Powers of confirming authority.

67. (*1*) The confirming authority may send back the finding and sentence of an Indian Marine Court, or either of them, for revision; and, on the finding or sentence being sent back, the Court may, if so directed by the confirming authority, receive additional evidence.

(*2*) Where the finding only is sent back for revision, the Court may revise the sentence also.

(*3*) The confirming the authority may, in confirming the sentence of an Indian Marine Court,—

(*a*) reduce the punishment thereby awarded, or commute that punishment to any other punishment of inferior degree to which the offender might have been sentenced by the Court;

(*b*) suspend for such time as seems expedient the execution of the sentence;

(*c*) if the finding or sentence is informally expressed, vary the form thereof, or, if the sentence is invalid, substitute a valid sentence therefor.

(*4*) Notwithstanding any error, omission or irregularity in any proceeding of an Indian Marine Court, the confirming authority may confirm the finding or sentence of the Court, or either of them, unless the error, omission or irregularity has, in the opinion of that authority, occasioned a failure of justice.

Evidence.

Law of evidence applicable.

68. The Indian Evidence Act, 1872, subject to such modifications therein as the Governor General in Council may, by notification in the Gazette of India, direct, shall apply to all proceedings before Indian Marine Courts. I of 1872.

Preservation of Proceedings.

Preservation of Indian Marine Court proceedings and grant of copies.

69. (*1*) The proceedings of all Indian Marine Courts shall be preserved in the office of the Director of Marine for not less than seven years in the case of the trial of a gazetted officer, or than three years in the case of any other person.

(*2*) Any person tried by an Indian Marine Court shall be entitled, on demand at any time after the confirmation of the finding and sentence of the Court and before the proceedings are destroyed, to obtain from the officer or person having the custody of the proceedings a copy thereof, upon payment for the same at the prescribed rate.

Power to make Rules respecting Procedure.

Power to make rules respecting procedure.

70. (*1*) The Governor General in Council may make rules to regulate the procedure of Indian Marine Courts, and for the purpose of carrying this Act into execution, so far as relates to the investigation, trial and punishment of offences triable by those Courts.

(*2*) The Governor General in Council may by any such rule confer on an Indian Marine Court any power (other than a power to try an accused person or pass a sentence) conferred on a Court of original criminal jurisdiction by the Code of Criminal Procedure, 1882. X of 1882

CHAPTER V.

SUPPLEMENTAL CRIMINAL PROVISIONS.

Procedure of Criminal Courts beyond British India.

71. The law relating to criminal procedure for the time being in force in British India shall, subject to such modifications as the Governor General in Council, by notification in the Gazette of India, directs, apply to all proceedings under this Act in Criminal Courts beyond the limits of British India.

Procedure of Criminal Courts beyond British India.

Arrest.

72. The following rules shall apply to persons subject to this Act when charged with offences under this Act:—

Arrest of offenders.

(*1*) Every such person shall be placed in custody, but no person shall be detained in custody longer than is necessary for the purposes of justice.

(*2*) "Custody" means, according to the usage of the service, the putting of the offender under arrest or the putting him in confinement.

(*3*) Any officer, or, if more officers than one are present, the senior of them, may order into custody any other person of inferior rank subject to this Act.

(*4*) The charge made against every person taken into custody shall, without unnecessary delay, be investigated by his commanding officer or other prescribed authority; and, as soon as may be, proceedings shall be taken for punishing the offender or discharging him from custody.

73. A commanding officer shall, upon an investigation being made into a charge against a person subject to this Act and under his command of having committed an offence under this Act, dismiss the charge if he thinks that it ought not to be proceeded with, but when he thinks the charge ought to be proceeded with, he shall, subject to the provisions of this Act, take steps without delay for bringing the offender to trial.

Power of commanding officer.

Execution of Sentences of Indian Marine Courts and Commanding Officers.

74. (*1*) Every term of imprisonment awarded in pursuance of the sentence of an Indian Marine Court or of a commanding officer exercising jurisdiction under this Act shall, except as provided in sub-section (*2*), be deemed to commence on the day on which the original sentence was signed by the president of the Court or pronounced by the commanding officer.

Commencement of sentences of imprisonment.

(*2*) When a person already undergoing a sentence of penal servitude, transportation or imprisonment is sentenced by an Indian Marine Court to

imprisonment, that imprisonment shall commence at the expiration of the penal servitude, transportation or imprisonment to which he has previously been sentenced:

Provided that when, under this sub-section, at the expiration of a term of imprisonment to which a person has been sentenced by an Indian Marine Court, another term of imprisonment to which he has been similarly sentenced commences, and the aggregate term of imprisonment to which he would be thus liable would, as reckoned from the commencement of such imprisonment, exceed two years, so much of that term as is in excess of two years shall be deemed to be remitted.

Execution of such sentences.

75. (*1*) A person sentenced by an Indian Marine Court, or by a commanding officer exercising jurisdiction under this Act, to imprisonment shall be detained in the prescribed custody until he is transferred to a prison.

(*2*) A person sentenced as aforesaid shall, as soon as may be practicable, be transferred to a prison in British India, and shall be delivered over with a warrant of commitment in the prescribed form signed by the prescribed authority to the officer in charge of that prison.

(*3*) A person transferred to a prison under sub-section (*2*) shall thereafter be dealt with in all respects as if he were detained in that prison under a sentence of a Criminal Court:

Provided that—

(*a*) when he is a person sentenced to imprisonment by his commanding officer, the commanding officer, or the Director of Marine, may, at any time by order in writing, direct that he be discharged;

(*b*) the Director of Marine or any commanding officer may, by order in writing, direct that any person so transferred shall be delivered over to the prescribed custody for the purpose of being brought before an Indian Marine Court either as a witness or for trial or otherwise, and that he shall again be transferred to the prison.

Savings.

Saving of authority of ordinary Courts.

76. Except as expressly provided by this Act, nothing in this Act shall affect the jurisdiction or powers of any Court of criminal jurisdiction.

Minor punishments.

77. Nothing in this Act shall affect any rules, regulations, conditions or customs of the Indian Marine Service now or hereafter in force under which any person may be liable—

(*a*) to dismissal, loss of seniority, disrating, forfeiture or stoppages; or

(*b*) to any restriction not amounting to custody, or any deprivation of indulgence or additional duty, imposed in the way of discipline.

Amendment of Acts.

X of 1882. **78.** In the Code of Criminal Procedure, 1882, section 54, after the words "Army or Navy" the following shall be inserted, namely :— Amendment of Act X of 1882, section 51 (Arrest of Deserters).

"or of belonging to Her Majesty's Indian Marine Service and being illegally absent from that service."

XLV of 1860. **79.** After section 138 of the Indian Penal Code the following section shall be inserted, namely :— Amendment of Chapter VII of the Penal Code (Offences relating to Army and Navy).

"138A. The foregoing sections of this Chapter shall apply as if Her Majesty's Indian Marine Service were comprised in the Navy of the Queen." Application of foregoing sections to the Indian Marine Service.

CHAPTER VI.

Provisions of Civil Law.

Exemption from Process.

80. (*1*) A person below the position of gazetted officer shall not, while subject to this Act, be liable to be taken out of the Indian Marine Service by any process, execution or order of any Court of law, or otherwise, or be compelled to appear in person before any Court of law except in respect of the following matters, or one of them; that is to say :— Exemption from arrest for debt.

(*a*) on account of a criminal charge or conviction;

(*b*) on account of a decree for money, when the amount exceeds three hundred rupees over and above the costs of the suit.

(*2*) The Judge of any such Court may examine into any complaint made by any such person, or his superior officer, of the arrest of the person contrary to the provisions of this section, and may by order under his hand discharge the person, and award reasonable costs to the complainant, who may recover those costs as he might have recovered costs awarded to him by a decree against the person obtaining the process.

81. The clothes, equipment or arms of a person subject to this Act shall not be seized, nor shall the pay and allowances or any part thereof of any such person below the position of a gazetted officer be attached, in execution of any decree or order enforceable against him by any Court of Civil Judicature. Property which cannot be attached.

Property of Deceased Persons and Deserters.

Disposal of property of deceased persons and deserters.

82. The following rules are enacted respecting the disposal of the property of any person subject to this Act who dies or deserts :—

(*1*) The commanding officer shall secure all the moveable property which is on the spot and cause an inventory thereof to be made.

(*2*) In the case of a deceased person, if his representative is on the spot and gives security for the payment of the ship and service debts of the deceased, the commanding officer shall deliver over the property to that representative.

(*3*) In the case of a deceased person, if the property is not dealt with under clause (*2*), and in the case of every deserter, the commanding officer shall cause the property to be sold by public auction, and from the proceeds of the sale shall pay the ship and service debts and, in the case of a deceased person, the expenses of his funeral ceremonies.

(*4*) The surplus, if any, shall in the case of a deceased person be paid to his representative.

(*5*) In the event of no claim for the surplus of a deceased person's estate being established within twelve months after his death, and immediately after the sale of the effects of a deserter, the amount remaining in the hands of the commanding officer shall be remitted to the Director of Marine.

(*6*) Property deliverable or money payable to the representative of a deceased person under this section may, if the value or amount thereof does not exceed one thousand rupees and the Director of Marine or the prescribed authority thinks fit, be delivered or paid to any person appearing to him to be entitled to receive it, or to administer the estate of the deceased, without requiring the production of any probate, letters of administration, certificate or other such conclusive evidence of title ; and such delivery or payment shall be a full discharge to the person ordering or making the same and to the Secretary of State for India in Council from all further liability in respect of the property or money ; but nothing in this section shall affect the rights of any executor or administrator or other representative or of any creditor of a deceased person against a person to whom any such delivery or payment has been made.

(*7*) A person shall be deemed to have deserted within the meaning of this section who has been convicted of desertion, or who has been absent without leave for a period of thirty days from the Indian Marine Service, and has not subsequently surrendered or been arrested.

ACT No. XX OF 1887.

Received the Governor General's assent on the 21st October, 1887.

An Act for the Protection of Wild Birds and Game.

WHEREAS municipal authorities in different parts of British India have from time to time made rules for the protection of birds and other game;

And whereas it is expedient that Local Governments and cantonment-authorities as well as municipal authorities should be empowered to make such rules;

It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Wild Birds Protection Act, 1881.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Definitions.

2. In this Act—

(*1*) "municipal authority" means the corporation, commissioner, committee, board, council or person having authority over a municipality under any enactment for the time being in force:

(*2*) "cantonment authority" means a cantonment-committee or, in the case of a cantonment for which such a committee has not been constituted, the commanding officer of the cantonment: and

(*3*) "wild bird" includes a peacock and every bird of game.

Power to make rules.

3. (*1*) The Local Government with respect to any municipality or cantonment within the territories under its administration, or the municipal authority or cantonment-authority of any municipality or cantonment, may from time to time make rules—

(*a*) defining the expression "wild bird" for the purposes of this Act in its application to the municipality or cantonment;

(*b*) defining for those purposes the breeding season of any kind of wild bird; and

(*c*) prohibiting, subject to such exceptions and conditions as may be prescribed by the rules, the possession or sale during its breeding season within the municipality or cantonment of any kind of wild bird recently killed or taken, or the importation into the municipality or cantonment of the plumage of any kind of wild bird during such season.

(*2*) The authority making a rule under clause (*c*) of sub-section (*1*) may direct that a breach of it shall be punishable with fine which may extend, in the case of a first offence, to five rupees for every wild bird in respect of which

or of the plumage whereof the breach of the rule has been committed, and, in the case of a subsequent offence, to ten rupees in respect of every such bird or plumage.

(*3*) A Court convicting any person of a breach of any such rule may order the confiscation of any wild bird or plumage in respect of which the breach was committed.

(*4*) The power to make rules under this section is subject to the condition of the rules being made after previous publication and, in the case of rules made by a municipal authority or cantonment-authority, to the further condition of the rules being confirmed by the Local Government before they are published in the official Gazette under clause (*5*) of section 6 of the General Clauses Act, 1887.[a] I of 1887.

Power to apply Act to any animals of game.

4. The Local Government, of its own motion or on the application of any municipal authority or cantonment-authority, may, by notification in the official Gazette, declare the provisions of the last foregoing section with respect to wild birds to apply to any animals of game other than birds, and thereupon those provisions shall apply to such animals and their furs in like manner as they apply to wild birds and their plumage.

ACT No. XXI OF 1887.

Received the Governor General's assent on the 21st October, 1887.

An Act to provide for the establishment of Bonded Warehouses at places other than customs-ports.

WHEREAS it is expedient to provide for the establishment of bonded warehouses at places other than customs-ports; It is hereby enacted as follows :—

Title, construction and commencement.

1. (*1*) This Act may be called the Inland Bonded Warehouses Act, 1887.

(*2*) It shall be read with, and taken as part of, the Sea Customs Act, 1878 : and

(*3*) It shall come into force at once. VIII of 1878.

Inland bonded warehouses and law applicable thereto.

2. (*1*) Notwithstanding anything in the Sea Customs Act, 1878, the Chief Customs-authority may from time to time, with the previous sanction of the Local Government, appoint a public or license a private warehouse at any place which is not a warehousing port, and may with the like sanction cancel such appointment or license. VIII of 1878.

(*2*) In reference to such a place and the warehouse appointed or licensed thereat the provisions of the said Act with respect to the levy of customs-duties on goods brought in bond from one customs-port to another, and with

[a] See *supra*, p. 118.

respect to warehousing, shall be construed as if the place were a customs-port and a warehousing port, and the warehouse a public or a private warehouse, as the case may be, appointed or licensed thereat under that Act.

ACT No. I OF 1888.[a]

Received the Governor General's assent on the 27th January, 1888.

An Act to amend the Indian Stamp Act, 1879.

WHEREAS it is expedient to amend certain provisions of the Indian Stamp Act, 1879, relating to policies of insurance; It is hereby enacted as follows:—

1 of 1879.

1. For clause (15) of section 3 of that Act the following shall be substituted, namely:— Amendment of definition of "policy of insurance."

"(15) 'Policy of insurance' means any instrument by which one person, in consideration of a premium, engages to indemnify another against loss, damage or liability arising from an unknown or contingent event; "Policy of insurance."

"It includes a life-policy, and includes also any writing evidencing the renewal of, for the purpose of keeping in force, a policy of fire-insurance in respect of which, and of the previous renewal whereof (if any), there has not already been paid the stamp-duty which would have been chargeable if the policy had originally been granted for a longer term than six months."

2. For article 49 of the first schedule to that Act the following shall be substituted, namely:— New article substituted for article 49 of Schedule I.

Description of Instrument.		Proper Stamp-duty.	
		If drawn singly.	If drawn in duplicate, for each part.
		Rs. A. P.	Rs. A. P.
49. POLICY OF INSURANCE. See *Exemption, Schedule II* [*No. 14* (*a*)].	(*a*) In the case of sea-insurance—		
	When the amount insured does not exceed . . Rs. 1,000	0 4 0	0 2 0
	And for every further sum of Rs. 1,000 or part thereof in excess of . . 1,000	0 4 0	0 2 0

[a] This Act has been extended to Upper Burma (except the Shan States), under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Pt. I, p. 362, and Gazette of India, 11th idem, Pt. I, p. 371.

	Description of Instrument.	Proper Stamp-duty
	(*b*) In the case of fire-insurance—	Rs. A. P.
	i. In respect of an original policy for a month or any shorter term—	
	Rs.	
	When the amount insured does not exceed . . 1,000	0 2 0
	And for every further sum of Rs. 1,000 or part thereof in excess of . 1,000	0 2 0
	ii. In respect of an original policy for more than one month but not more than three months—	
49. POLICY OF INSURANCE—*contd.*	Rs.	
	When the amount insured does not exceed . . 1,000	0 3 0
	And for every further sum of Rs. 1,000 or part thereof in excess of . . 1,000	0 3 0
	iii. In respect of an original policy for more than three months but not more than six months—	
	Rs.	
	When the amount insured does not exceed . . 1,000	0 4 0
	And for every further sum of Rs. 1,000 or part thereof in excess of . 1,000	0 4 0

Description of Instrument.		Proper Stamp-duty.
		Rs. A. P.
49. POLICY OF INSURANCE—*contd.*	iv. In respect of an original policy for a longer term than six months—	
	Rs.	
	When the amount insured does not exceed . . 1,000	0 6 0
	And for every further sum of Rs. 1,000 or part thereof in excess of . . . 1,000	0 6 0
	v. In respect of renewing, for the purpose of keeping in force, a policy which has been granted for six months or any shorter term and in respect of which, and of the previous renewal whereof (if any), there has not already been paid the duty which would have been chargeable if the policy had originally been granted for a longer term than six months . . .	The same duty as would be payable in respect of an original policy for the amount and term to which the renewal extends; or the excess of the duty which would have been chargeable if the policy had originally been granted for a longer term than six months, over the duty already paid in respect of the policy, and of the previous renewal thereof (if any); whichever is the smaller sum.

Description of Instrument.		Proper Stamp-duty. If drawn singly.	Proper Stamp-duty. If drawn in duplicate, for each part
	(c) In the case of any other insurance—	Rs. A. P.	Rs. A. P.
49. POLICY OF INSURANCE—*concld.*	When the amount insured does not exceed . . Rs. 1,000	0 6 0	0 3 0
	And for every further sum of Rs. 1,000 or part thereof in excess of . . 1,000	0 6 0	0 3 0

ACT No. II of 1888.

Received the Governor General's assent on the 10th February, 1888.

An Act to provide for the levy of a Customs-duty on Petroleum.

Wherreas it is expedient to provide for the levy of a customs-duty on petroleum; It is hereby enacted as follows:—

Addition to Schedule II, Act XI, 1882.

1. To the second schedule to the Indian Tariff Act, 1882, the following shall be added, namely:— XI of 1882.

No.	Names of Articles.	Per	Tariff valuation.	Rate of Duty.
*	*	*	*	*
5	Petroleum, including also the liquids commonly known by the names of rock-oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine, and any inflammable liquid which is made from petroleum, coal, schist, shale, peat or any other bituminous substance or from any products of petroleum	Imperial gallon	.....	Six pies.
	Exception.—Petroleum which has its flashing point at or above two hundred degrees of Fahrenheit's thermometer and is proved to the satisfaction of the Customs-collector to be intended to be used exclusively for the batching of jute or other fibre or for lubricating purposes.			

VIII of 1878. And whereas the provisos to section 37 of the Sea Customs Act, 1878, do not apply to goods to which a rate of duty is not already applicable; It is further enacted as follows :—

Commencement of effect of the addition to the schedule.

2. The rate of duty applicable to petroleum of which the bill-of-entry is delivered, within the meaning of section 37 of the Sea Customs Act, 1878, to the Customs-collector under section 86 of that Act after the passing of this Act, shall be the rate of duty specified in the second schedule to the Indian Tariff Act, 1882, as amended by this Act.

VIII of 1878.

XI of 1882.

ACT No. III OF 1888.

Received the Governor General's assent on the 17th February, 1888.

An Act to amend the Law relating to the Regulation of Police.

WHEREAS it is expedient to relax those provisions of Acts for the regulation of police which restrict the employment of police-officers to the presidency, province or place of the police-establishment of which they are members; It is hereby enacted as follows :—

Title, extent and commencement.

1. (*1*) This Act may be called the Police Act, 1888.

(*2*) It extends to the whole of British India; and

(*3*) It shall come into force at once.

Constitution of police-forces for special purposes.

2. (*1*) Notwithstanding anything in Act XXIV of 1859 (*an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George*), Act V of 1861 (*an Act for the regulation of Police*), the Bombay District Police Act, 1867, or any Act relating to the police in any presidency-town, the Governor General in Council may, by notification in the Gazette of India, create a general police district embracing parts of two or more presidencies, provinces or places, and direct the enrolment under Act V of 1861 of a police-force for service therein.

Bom. Act VII of 1867.

(*2*) With respect to such a district and the police-force enrolled therefor, the functions of the Local Government under Act V of 1861, the Code of Criminal Procedure, 1882, and any other enactment for the time being in force relating to police shall, subject to any orders which the Governor General in Council may make in this behalf, be discharged by the Governor General in Council, or by such Local Government or other authority as the Governor General in Council may appoint, and the functions of the Inspector General of Police, Deputy Inspectors General, Assistant Inspectors General, District

X of 1882.

Superintendents of Police and Assistant District Superintendents under Act V of 1861 and any other enactment for the time being in force shall, subject as aforesaid, be discharged by such officer or officers as may be appointed by the authority ordinarily discharging under this sub-section the functions of the Local Government with respect to the district and force.

(*3*) Subject to any orders which the Governor General in Council may make in this behalf, members of a police-force enrolled for service in a general police district created under sub-section (*1*) shall have within every part of any presidency, province or place of which any part is included in the district the powers, duties, privileges and liabilities which, as police-officers appointed under Act V of 1861, they have within the district.

(*4*) Any member of such a force whom the authority ordinarily discharging with respect thereto the functions of the Local Government under sub-section (*2*) has generally or specially empowered to act under this sub-section may, subject to any orders which the Governor General in Council may make in this behalf, exercise in any part of the local area in which he has the powers of a police-officer under sub-section (*3*) any of the powers which an officer in charge of a police-station has in that part, and, when so exercising any such power, shall, subject as aforesaid, be deemed to be an officer in charge of a police-station discharging the functions of such an officer within the limits of his station.

(*5*) Subject to any orders which the Governor General in Council may make in this behalf, a part of a presidency, province or place included in a general police district under sub-section (*1*) shall not by reason of being included therein cease for the purposes of any enactment relating to police to be part of the presidency, province or place of which it forms part.

(*6*) For the purposes of this section, and subject to the provisions thereof, Act V of 1861 shall, notwithstanding anything in section 46 of that Act, be deemed to take effect throughout the whole of British India.

Employment of police-officers beyond the presidency, province or place to which they belong.

3. Notwithstanding anything in any of the Acts mentioned or referred to in the last foregoing section, but subject to any orders which the Governor General in Council may make in this behalf, a member of the police-establishment of any presidency, province or place may discharge the functions of a police-officer in any part of British India beyond the limits of the presidency, province or place, and shall, while so discharging such functions, be deemed to be a member of the police-establishment of that part and be vested with the powers functions and privileges, and be subject to the liabilities, of a police-officer belonging to that establishment.

ACT No. IV OF 1888.

Received the Governor General's assent on the 2nd March, 1888.

An Act to regulate Her Majesty's Indian Reserve Forces.

WHEREAS it is expedient to provide for the government, discipline and regulation of Her Majesty's Indian Reserve Forces; It is hereby enacted as follows:—

Title and commencement.

1. (*1*) This Act may be called the Indian Reserve Forces Act, 1888; and

(*2*)[a] It shall come into force on such day as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

Division of Reserve Forces into Active and Garrison Reserves.

2. The Indian Reserve Forces shall consist of the Active Reserve and the Garrison Reserve.

Locality of service of Reserves.

3. (*1*) A person belonging to the Active Reserve shall be liable to serve beyond the limits of British India as well as within those limits.

(*2*) A person belonging to the Garrison Reserve shall not be liable without his consent to serve beyond the limits of British India.

Power to make rule for regulation of Reserve Forces.

4. The Governor General in Council may make rules and orders for the government, discipline and regulation of the Indian Reserve Forces.

Liability of Reserve Forces to military law.

5. Subject to the provision of section 3 with respect to persons belonging to the Garrison Reserve, and to such rules and orders as may be made under section 4, a person belonging to the Indian Reserve Forces shall, as an officer or soldier, as the case may be, be subject to military law in the same manner and to the same extent as a person belonging to Her Majesty's Indian Forces.

Punishment of certain offences by persons belonging to Reserve Forces.

6. (*1*) If a person belonging to the Indian Reserve Forces—

(*a*) when required by or in pursuance of any rule or order under this Act to attend at any place fails without reasonable excuse to attend in accordance with such requirement, or

(*b*) fails without reasonable excuse to comply with any such rule or order, or

(*c*) fraudulently obtains any pay or other sum contrary to any such rule or order,

he shall be liable—

(i) on conviction by a Court-martial, to such punishment other than death,

[a] The Act came into force on the 26th May, 1888—see Gazette of India, of same date, Pt. I, p. 239.

transportation or imprisonment for a term exceeding one year as such Court is by the Indian Articles of War empowered to award, or Act V of 1869.

(ii) on conviction by a Magistrate of the first class, to imprisonment for a term which may extend, in the case of a first offence under this section, to six months, and, in the case of any subsequent offence thereunder, to one year.

(*2*) Where a person belonging to the Indian Reserve Forces is required by or in pursuance of any rule or order under this Act to attend at any place, a certificate purporting to be signed by an officer appointed by such a rule or order in this behalf, and stating that the person so required to attend failed to do so in accordance with such requirement, shall, without proof of the signature or appointment of such officer, be evidence of the matters stated therein.

(*3*) Any person charged with an offence under this section may be taken into and kept in either military or civil custody, or partly into and in one description of custody and partly into and in the other, or be transferred from one description of custody to the other.

Effect of Act on persons already in the Reserves.

7. Nothing in this Act or in any rule or order thereunder shall make any person transferred to the Indian Reserve Forces before the commencement of this Act subject, without his consent, to any of the provisions of this Act.

THE INVENTIONS AND DESIGNS ACT, 1888.

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ACT No. V OF 1888.

Received the Governor General's assent on the 16th March, 1888.

An Act to consolidate and amend the law relating to the Protection of Inventions and Designs.

WHEREAS it is expedient to consolidate and amend the law relating to the protection of inventions and designs; It is hereby enacted as follows:—

Title, extent and commencement.

1. (*1*) This Act may be called the Inventions and Designs Act, 1888.

(*2*) It shall extend to the whole of British India,[a] and

(*3*) It shall come into force on the first day of July, 1888.

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[a] This Act has been extended to Upper Burma (except the Shan States) under s 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Pt. I, p 362, and Gazette of India, 11th *idem*, Pt. I, p. 371.

2. (*1*) The enactments described in the first schedule are hereby repealed to the extent specified in the third column thereof. Repeal.

(*2*) But this repeal of enactments shall not affect any exclusive privilege acquired, or any conditions or restrictions imposed with respect to any such privilege, or any right or liability accrued or incurred, under any of those enactments before the commencement of this Act, or any relief in respect of any such privilege, right or liability.

(*3*) Any enactment or document referring to any enactment hereby repealed shall be construed to refer to this Act or to the corresponding portion thereof.

3. The remainder of this Act is divided into Parts, as follows :— Division of Act into Parts.

PART I.—INVENTIONS.
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PART I.

INVENTIONS.

4. In this Part, unless there is something repugnant in the subject or context,— Definitions.

(*1*) "invention" includes an improvement :

(*2*) "inventor" does not include the importer into British India of a new invention unless he is the actual inventor :

(*3*) "applicant" means a person who has applied under this Part for leave to file a specification of an invention, whether he has filed the specification or not :

(*4*) "assign" includes a grantee of the exclusive privilege of making, selling or using an invention, or of authorizing others so to do, during the term for which the privilege is to continue or may be extended, or for any shorter term :

(*5*) "inventor", "actual inventor" and "applicant" include the executors, administrators or assigns of an inventor, actual inventor and applicant, as the case may be :

(*6*) "manufacture" includes any art, process or manner of producing, preparing or making an article, and also any article prepared or produced by manufacture :

(*7*) "write" includes print, lithograph, photograph, engrave, and every other mode in which words or figures can be expressed on paper or on any substance.

(*8*) "Secretary" means a Secretary to the Government of India appointed by the Governor General in Council to discharge the functions of the Secretary under this Act, and includes any under secretary, assistant secretary or other officer subordinate to the Government of India to the extent to which such officer may be authorized by general or special order of the Governor General in Council to discharge any of those functions:

(*9*) "District Court" has the meaning assigned to that expression by the Code of Civil Procedure: and XIV of 1882.

(*10*) "High Court" has the meaning assigned to that expression by the Code of Criminal Procedure, 1882, in reference to proceedings against European British subjects. X of 1882.

Application for leave to file specification

5. (*1*) The inventor of a new manufacture, whether he is a British subject or not, may apply to the Governor General in Council for leave to file a specification thereof.

(*2*) The application must be in writing signed by the applicant and in the form or to the effect of the second schedule if the inventor has not obtained a patent in the United Kingdom, and in the form or to the effect of the third schedule if he has obtained a patent in the United Kingdom.

(*3*) It must state the name, occupation and address of the applicant, and, where a patent has been obtained in the United Kingdom, the date of the patent and the date of the actual sealing thereof, and must describe with reasonable precision and detail the nature of the invention, and of the particular novelty whereof it consists, and be supplemented by such further particulars relating to the invention, and by such drawings or photographs illustrative thereof, as the Governor General in Council may see fit to require from the applicant.

(*4*) If in any case it appears to the Governor General in Council that an application ought to be further supplemented by a model of anything alleged to constitute an invention, he may require the applicant to furnish such a model neatly and substantially made of durable material and of dimensions not exceeding those, if any, specified in the requisition therefor.

Order to file specification.

6. (*1*) Upon an application under the last foregoing section the Governor General in Council may, after such inquiry as he thinks fit, make an order authorizing the applicant to file a specification of the invention.

(*2*) Before making an order under sub-section (*1*) the Governor General in Council may direct that the application be referred for inquiry and report to any person whom he thinks fit.

(*3*) When such inquiry and report are made by a person who is not in the service of the Government, there shall be payable to that person by the

applicant such fee as the Governor General in Council, after considering the report, may determine.

(*4*) When an application is to be referred to such a person, the applicant shall deposit, in such place and within such time as the Governor General in Council may by rule or otherwise prescribe, such sum as will, in the opinion of the Secretary, be sufficient to defray any fee which is likely to be determined under sub-section (*3*).

(*5*) If the sum is not deposited in the place and within the time prescribed, the application may be rejected.

(*6*) If the fee as determined by the Governor General in Council exceeds the sum so deposited, an order shall not be made under sub-section (*1*) until the applicant has paid the balance of the fee.

(*7*) If the sum deposited exceeds the fee so determined, the excess shall be refunded to the applicant.

Applications in respect of contemporaneous inventions.

7. (*1*) If two or more inventors apply on the same day for leave to file specifications of inventions which appear to the Governor General in Council to be identical or so similiar as to be practically identical, the Governor General in Council may, in his discretion, authorize both or all the applicants, subject to the other provisions of this Part, to file specifications of their respective inventions.

(*2*) If they apply on different days for leave to file specifications of such inventions as aforesaid, the applicant who applied on the first of the different days shall be deemed to have a preferential claim to an order authorizing the filing of his specification.

Acquisition and continuance of exclusive privilege.

8. (*1*) If within six months from the date of an order under section 6, sub-section (*1*), or within such further time, not exceeding three months, as the Governor General in Council, in his discretion, may, on cause shown to his satisfaction and on payment of the fee prescribed in that behalf in the fourth schedule, se e fit to allow, the applicant causes a specification of his invention to be filed in manner by this Part required, and the fee prescribed in the fourth schedule in respect of the filing of the specification to be paid, the applicant shall, subject to the other provisions of this Part, be entitled to the exclusive privilege of making, selling and using the invention in British India, and of authorizing others so to do, for a term of fourteen years from the date of the filing of the specification.

(*2*) But an exclusive privilege in respect of an invention of a new manufacture shall, notwithstanding anything in sub-section (*1*), cease if the inventor fails to pay, within the time limited in that behalf by the fourth schedule,

any fee prescribed in that schedule in respect of the continuance of the privilege.

(*3*) If, nevertheless, in any case, by accident, mistake or inadvertence, an inventor fails to pay any such fee within the time so limited, he may apply to the Governor General in Council for an enlargement of the time for making the payment.

(*4*) Thereupon the Governor General in Council may enlarge the time accordingly, on payment of the fee prescribed in that behalf in the fourth schedule and subject to the following conditions, namely :—

(*a*) the time for making a payment shall not in any case be enlarged for more than three months; and

(*b*) if any suit is instituted in respect of an infringement of the exclusive privilege committed after a failure to make a payment within the time limited for the making thereof and before the enlargement of that time, the Court disposing of the suit may, if it thinks fit, refuse to award or give any damages in respect of the infringement.

Form and contents of specification.

9. (*1*) A specification filed under this Part must be in writing signed by the applicant, and must set forth the precise invention in respect of which the applicant claims to become entitled to an exclusive privilege.

(*2*) If the specification is of an invention which is an improvement only, it must by explicit language distinguish between what is old and what is claimed to be new.

(*3*) Every specification must explain the principle of the invention set forth therein and the best mode in which the applicant has contemplated applying that principle, and must describe the manner of making and using the invention in such full, clear, concise and exact terms as to enable any person skilled in the art or science to which the invention appertains, or with which it is most closely connected, to make or use the same.

Mode of filing application and specification.

10. Every application for leave to file a specification, and every specification filed under this Part, must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof shall be endorsed thereon and recorded in his office.

Delivery and distribution of copies of specification.

11. (*1*) At the time of delivering or sending the specification for the purpose of its being filed, the applicant shall cause to be delivered or sent therewith to the Secretary as many copies thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(*2*) One of these copies shall be retained by the Secretary, and one shall be sent to the Governor of Fort St. George in Council, one to the Governor of Bombay in Council, one to the Chief Commissioner of Burma, and the others,

if any, to such authorities as the Governor General in Council may appoint in this behalf.

(*3*) The copies of the specification which are sent under sub-section (*2*) to the authorities mentioned or referred to in that sub-section shall be open to the inspection of any person at all reasonable times at places to be appointed by those authorities.

Register of inventions.

12. (*1*) A book, to be called the register of inventions, shall be kept in the office of the Secretary wherein shall be entered and recorded every application for leave to file a specification, every order made on any such application, every specification filed in pursuance thereof, and every subsequent proceeding relating to the invention described therein.

(*2*) Applications for leave to file a specification shall be numbered consecutively in the order in which they are delivered or received, and be dated as of the day of their delivery or receipt, and shall be entered in the register of inventions in the order of their respective numbers.

(*3*) A reference shall be made in that register, in the margin of the entry of each application, to every order on or in respect of the application, to the specification, if any, filed in pursuance thereof, and to every subsequent proceeding relating to the invention which forms the subject of the application.

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Address-book.

13. (*1*) Another book, to be called the address-book, shall be kept in the office of the Secretary wherein any person filing a specification under this Part, or any person in whom an exclusive privilege acquired under this Part, or any share or interest therein, may become vested may from time to time cause to be stated some place in British India where notice of any rule or proceeding relating to the exclusive privilege may be served on him.

(*2*) A reference to each entry in the address-book shall be made in the register of inventions in the margin of the entry in that register of the application for leave to file the specification.

Provisions with respect to the register and book.

14. (*1*) Every entry in the register of inventions or address-book, and every document entered and recorded in the register, shall, for the purposes of the law of evidence for the time being in force, be deemed to be a public document and shall be open to the inspection of any person at all reasonable times at the office of the Secretary.

(*2*) The books kept under section 11 and section 35 of Act No. XV of 1859 (*an Act for granting exclusive Privileges to Inventors*) shall be deemed to be parts of the register of inventions and address-book respectively.

Extension of exclusive privilege.

15. (*1*) The inventor of a new manufacture may, at any time not more than one year and not less than six months before the time limited for the

expiration of an exclusive privilege acquired under section 8, apply to the Governor General in Council for an extension of the privilege for a further term.

(*2*) When an application is made under sub-section (*1*), the Governor General in Council may, if he thinks fit, refer it to a High Court for report.

(*3*) The Court to which the application is referred shall, in making its report, have regard to the nature and merits of the invention in relation to the public, to the profits made by the inventor as such, and to all the circumstances of the case.

(*4*) The procedure on the reference shall be such as the Court thinks fit, and may include the issue of citations calling upon persons claiming to have any interest in the reference to appear before the Court on the day on which the reference is to be considered, or on any day to which the consideration thereof may be adjourned, and make with respect thereto any representation which they may see fit in relation to any of the matters to which the Court is required by the last foregoing sub-section to have regard in making its report.

(*5*) If the Governor General in Council is of opinion, or, where a reference has been made under sub-section (*2*), if the Court reports, that the inventor has been inadequately remunerated by his exclusive privilege, the Governor General in Council may, on payment of the fee prescribed in that behalf in the fourth schedule, make an order extending the term of the privilege for a further term not exceeding seven or, in exceptional cases, fourteen years from the expiration of the first term of fourteen years.

(*6*) But an exclusive privilege of which the term has been extended under the last foregoing sub-section shall, notwithstanding anything in that sub-section, cease if the inventor fails to pay before the expiration of each year of such extended term the fee prescribed in the schedule aforesaid in respect of the continuance of the privilege.

Imposition of conditions with respect to exclusive privilege.

16. An order under section 6, sub-section (*1*), authorizing the filing of a specification, or under section 15, sub-section (*5*), extending the term of an exclusive privilege, may be made subject to such conditions as the Governor General in Council thinks expedient.

Exclusive privilege to bind the Government.

17. (*1*) Subject to any conditions imposed under the last foregoing section—

(*a*) with respect to the filing, by a person employed in the service of Her Majesty in India, of the specification of a manufacture invented by him in the course of his employment, or,

(*b*) with respect to the extension, in favour of any person, of the term of an exclusive privilege,

an exclusive privilege acquired under this Part shall have to all intents the like effect as against Her Majesty as it has against a subject.

(*2*) But the officers or authorities administering any department of the service of Her Majesty may, by themselves, their agents, contractors or others, at any time after the delivery or receipt of the application for leave to file the specification of an invention, use the invention for the services of the Government on terms to be before or after the use thereof agreed on, with the approval of the Governor General in Council, between those officers or authorities and the inventor, or, in default of such agreement, on such terms as may be settled by the Governor General in Council.

Application for leave to file memorandum or amended specification.

18. (*1*) If, after the filing of the specification, the applicant has reason to believe that through mistake or inadvertence he has erroneously made any mis-statement in his application or specification or included therein something which at the date of the delivery or receipt of his application was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, he may apply to the Governor General in Council for leave to file a memorandum pointing out the mis-statement or disclaiming any part of the alleged invention, or for leave to file an amended specification, as the case may be.

(*2*) The application must be in writing signed by the applicant, and must state how the error, defect or insufficiency occurred and that it was not fraudulently intended.

(*3*) Upon the application the Governor General in Council may make an order allowing the memorandum or amended specification to be filed.

(*4*) The provisions of section 6 with respect to applications, and of sections 9 and 11 with respect to specifications and copies thereof, shall apply, so far as they can be made applicable, to applications and to amended specifications, respectively, made and filed under this section.

Effect of amended specification.

19. An amended specification filed under the last foregoing section shall, except as to any suit or proceeding relating to the exclusive privilege which may be pending at the time of the filing of the amended specification, have the same effect as if it had been the specification first filed :

Provided that nothing in an amended specification shall be construed to extend or enlarge an exclusive privilege before acquired.

Bar to exclusive privilege in certain cases.

20. A person shall not be entitled to an exclusive privilege under this Part—

(*a*) if the invention is of no utility, or

(*b*) if the invention, at the date of the delivery or receipt of the application

for leave to file the specification thereof, was not a new invention within the meaning of this Part, or

(*c*) if the applicant is not the inventor thereof, or

(*d*) if the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) if the original or any subsequent application relating to the invention or the original or any amended specification contains a wilful or fraudulent mis-statement, or

(*f*) if the application for leave to file the specification of the invention was made under this Part after the expiration of one year from the date of the acquisition of an exclusive privilege in respect of the invention in any place beyond the limits of British India and the United Kingdom.

Novelty of invention dependent on public use or knowledge thereof before application to file specification.

21. An invention shall be deemed a new invention within the meaning of this Part if it has not before the date of the delivery or receipt of the application for leave to file the specification thereof been publicly used in any part of British India or of the United Kingdom, or been made publicly known in any part of British India or of the United Kingdom by means of a written publication.

Effect of public use or knowledge of invention in fraud of inventor.

22. The public use or knowledge of an invention before the date of the delivery or receipt of the application for leave to file a specification thereof shall not be deemed a public use or knowledge within the meaning of this Part if the knowledge has been obtained surreptitiously or in fraud of the inventor or has been communicated to the public in fraud of the inventor or in breach of confidence:

Provided that the inventor has not acquiesced in the public use of his invention, and that, within six months after the commencement of that use, he applies for leave to file a specification.

Effect of temporary use of invention in public by inventor or by his leave.

23. Use of an invention in public by the inventor thereof, or by his servant or agent, or by any other person by his license in writing, for a period not exceeding one year immediately preceding the date of the delivery or receipt of his application for leave to file a specification thereof, or knowledge of the invention resulting from such use thereof in public, shall not be deemed a public use or knowledge within the meaning of this Part.

Effect of public use or knowledge of patented invention between application for

24. If an inventor who has obtained a patent for his invention in the United Kingdom causes an application for leave to file a specification of the invention under this Part to be delivered or received by the Secretary within twelve months from the date of the actual sealing of the patent, the invention shall be deemed a new invention within the meaning of this Part if it was

not publicly used or known in any part of British India at or before the date of the application for the patent, notwithstanding that it may have been publicly used or known in some part of British India or of the United Kingdom before the date of the delivery or receipt of the application under this Part for leave to file the specification.

patent and application to file specification.

25. If an inventor applies for leave to file a specification under this Part while his application for a patent is pending in the United Kingdom, and the interval between the date of his application for the patent and the date of the delivery or receipt of his application under this Part does not exceed twelve months, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having been used, or a description thereof having been published, in any part of British India or of the United Kingdom during the interval.

Effect of like public use or knowledge of unpatented invention.

26. If an inventor, being the exhibitor of his invention at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for leave to file a specification of the invention to be delivered to or received by the Secretary within six months from the date of the admission of the invention into that exhibition, the invention shall not be deemed to have been publicly used, or made publicly known, within the meaning of this Part, by reason only of the invention having at any time after admission into the exhibition been publicly used or made publicly known.

Effect of public use or knowledge of invention after admission to an exhibition.

27. (*1*) An exclusive privilege acquired under this Part shall cease if the Governor General in Council declares the privilege, or the mode in which it is exercised, to be mischievous to the State, or generally prejudicial to the public.

Cessation of exclusive privilege by order of the Government.

(*2*) It shall also cease if a breach of any condition on which the applicant was authorized to file a specification, or on which the term of the exclusive privilege was extended, is on an application under this Part to a High Court proved to the satisfaction of that Court, and if the Governor General in Council thereupon declares the privilege to have ceased.

28. (*1*) An exclusive privilege acquired under this Part in respect of an invention for which a patent has been obtained in the United Kingdom shall cease on the revocation or expiration of the patent.

Cessation of exclusive privilege on revocation or expiration of patent.

(*2*) Such a privilege in respect of an invention for which a patent has not been obtained in the United Kingdom shall cease on the revocation or expiration of any patent or exclusive privilege which has been obtained or acquired for or in respect of the invention in any other country.

29. (*1*) An inventor may institute a suit in the District Court against any person who, during the continuance of an exclusive privilege acquired by him

Suit for infringement

of exclusive privilege.

under this Part in respect of an invention, makes, sells or uses the invention without his license, or counterfeits or imitates it.

(*2*) The suit shall not be defended upon the ground of any defect or insufficiency of the specification of the invention, or upon the ground that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or upon the ground that the invention is of no utility:

(*3*) Nor shall it be defended upon the ground that the plaintiff was not the inventor, unless the defendant shows that he himself is the actual inventor or has obtained from the actual inventor a right to make, sell or use the invention, or to counterfeit or imitate it, as the case may be:

(*4*) Nor shall it be defended upon the ground that the invention was not new, unless the defendant, or some person through whom he claims, has, before the date of the delivery or receipt of the application for leave to file the specification, publicly or actually used in some parts of British India or of the United Kingdom the invention or that part of it with respect to which the exclusive privilege is alleged to have been infringed.

Application to declare exclusive privilege in respect of an invention not to have been acquired.

30. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of an invention to be specified in the rule has not been acquired under this Part by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that the invention is of no utility, or

(*b*) that the invention was not, at the date of the delivery or receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that the applicant was not the inventor thereof, or

(*d*) that the original or any amended specification does not fulfil the requirements of this Part, or

(*e*) that the applicant has knowingly or fraudulently included in the application for leave to file the specification or in the original or any amended specification, as part of his invention, something which was not new or whereof he was not the inventor, or

(*f*) that the original or any subsequent application relating to the invention, or the original or any amended specification, contains a wilful or fraudulent mis-statement, or

(*g*) that some part of the invention, or the manner in which that part is to be made and used, as described in the original or any amended

specification, is not thereby sufficiently described, and that this insufficiency was fraudulent and is injurious to the public.

Like application as to part of an invention.

31. Any person may apply to a High Court for a rule to show cause why the Court should not declare that an exclusive privilege in respect of any part of an invention to be specified in the rule has not been acquired under this Part, by reason of all or any of the objections following (to be specified in the rule), that is to say:—

(*a*) that that part of the invention is wholly distinct from the other parts thereof and is of no utility, or

(*b*) that that part of the invention was not, at the date of the delivery of receipt of the application for leave to file the specification, a new invention within the meaning of this Part, or

(*c*) that the applicant was not the inventor of that part of the invention, or

(*d*) that that part of the invention, or the manner in which it is to be made and used, is not sufficiently described in the original or any amended specification, and that this insufficiency is injurious to the public.

Security for costs of application under either of the two last foregoing sections.

XIV of 1882.

32. The High Court may, irrespective of any provisions of the Code of Civil Procedure in this behalf, require a person applying for a rule under either of the two last foregoing sections to give security for the payment of all costs incurred or likely to be incurred by any person appearing to show cause against the rule.

Application on breach of condition.

33. (*1*) Any person authorized by the Governor General in Council in this behalf may apply to a High Court for a rule to show cause why the question of the breach of any condition on which leave to file a specification has been granted, or any other question of fact on which the cessation of an exclusive privilege under section 27 may, in the judgment of the Governor General in Council, depend, should not be tried in the form of an issue directed by the Court.

(*2*) If the rule is made absolute, the Court, unless the breach or other matter of fact is admitted, may direct the issue to be tried and certify the result of the trial to the Governor General in Council.

Notice of proceedings to persons interested.

34. (*1*) Notice of any rule obtained or proceeding taken under section 30, section 31 or section 33 shall be served on all persons appearing from the address-book to be proprietors of the exclusive privilege, or to have shares or interests therein, and it shall not be necessary to serve the notice on any other person.

(*2*) The notice shall be deemed to be sufficiently served if a copy thereof is left at the place for the time being stated in the address-book, by delivering

the copy to any person resident at or in charge of the place or, if there is no person resident at or in charge of the place, or if the place is not within the local limits of the jurisdiction of the Court, by causing the notice to be sent to the place by post by a registered letter directed to the person to whom the notice is addressed.

Framing issue for trial before other Court.

35. (*1*) The High Court may, if it thinks fit, direct an issue for the trial, before itself or any other High Court, or any District Court, of any question of fact arising upon an application under section 30, section 31 or section 33, and the issue shall be tried accordingly.

(*2*) If the issue is directed to another Court, the finding shall be certified by that Court to the Court directing the issue.

(*3*) If the issue is directed to a District Court, the finding of that Court shall not be subject to appeal, but the evidence taken upon the trial shall be recorded, and a copy thereof, certified by the Judge of the Court, shall be transmitted, together with any remarks which he may think fit to make thereon, to the High Court, and the High Court may thereupon act upon the finding of the District Court, or dispose of the application upon the evidence recorded, or direct a new trial, as the justice of the case may require.

Order on application.

36. (*1*) If it appears to the High Court at the hearing of an application under section 30 or section 31 that, by reason of any of the objections specified in the rule, the exclusive privilege in the invention or in any part thereof has not been acquired, the Court shall make an order accordingly, and thereupon the applicant shall, so long as the order continues in force, cease to be entitled to the exclusive privilege.

(*2*) If it appears to the High Court, at the hearing of any such application as last aforesaid, that the applicant has, in the description of his invention in the application for leave to file a specification thereof or in the original or any amended specification, erroneously included something which at the date of the delivery or receipt of the application for leave to file the specification was not new or whereof he was not the inventor, or that the specification is in any particular defective or insufficient, but that the error, defect or insufficiency was not fraudulently intended, the Court may adjudge the exclusive privilege to have been acquired and to be valid, save as to the part thereof affected by the error, defect or insufficiency : or

(*3*) If it appears to the High Court that the error, defect or insufficiency can be amended without injury to the public, the Court may adjudge the exclusive privilege in respect of the whole of the invention to be valid, and may, upon such terms as it thinks reasonable, order the specification to be

amended in any particular in which it is erroneous, defective or insufficient; and thereupon the applicant shall, within a time to be limited by the Court for the purpose, file in the office of the Secretary a specification amended according to the order.

(*4*) The provisions of section 18 with respect to the distribution and disposal of copies of amended specifications, and of section 19 with respect to the effect of such specifications, shall apply, so far as they can be made applicable, to an amended specification filed under this section.

(*5*) An exclusive privilege in respect of an invention shall not be defeated upon the ground that the application for leave to file the specification of the invention contains a mis-statement, unless the mis-statement was wilful or fraudulent.

Delivery of particulars.

37. (*1*) In a suit for the infringement of an exclusive privilege acquired under this Part the plaintiff shall deliver with his plaint particulars of the breaches complained of in the suit, and the defendant shall deliver a written statement of the particulars of the grounds, if any, upon which he means to contend that the plaintiff is not entitled to an exclusive privilege in respect of the invention.

(*2*) In like manner, upon an application to a High Court under section 30, section 31 or section 33, the person making the application shall deliver particulars of the objections or grounds on which he means to rely.

(*3*) At the hearing of any such suit or application, or at the trial of any issue arising out of any such application, evidence shall not be allowed to be given in proof of any breach of the exclusive privilege, or of any ground impeaching the validity of that privilege, or of any objection or ground affecting such a privilege, unless such breach or other matter as aforesaid has been stated in the particulars delivered under this section.

(*4*) If it is alleged that the invention was publicly used or known before the date of the delivery or receipt of the application for leave to file the specification thereof, the places where and the manner in which the invention was so publicly used or known shall be stated in the particulars.

(*5*) Notwithstanding anything in the foregoing portion of this section, the Court in which the suit or application is pending, or an issue arising out of the application is being tried, may allow the plaintiff or defendant respectively to amend the particulars delivered under this section upon such terms as it thinks fit.

Title of actual inventor to

38. If, in a suit instituted in the District Court at any time within fourteen years from the date of the filing of a specification of an invention under this

exclusive privilege in case of fraud.

Part, the actual inventor proves to the satisfaction of the Court that the applicant was not the actual inventor, and that at the time of the application for leave to file the specification the applicant knew or had reason to believe that the knowledge of the invention was obtained by himself or by some other person surreptitiously or in fraud of the actual inventor, or by means of a communication made in confidence by the actual inventor to him or to any person through whom he derived the knowledge, the Court may make a decree declaring an exclusive privilege in respect of the invention to be vested, subject to other provisions of this Part, in the actual inventor for a term of fourteen years from the date on which the specification was filed, and requiring the applicant to account for and pay over to the actual inventor the profits derived by him from the invention or so much of those profits as the Court, having regard to the degree of diligence exerted by the actual inventor in proceeding under this section and to all the other circumstances of the case, may see fit to require the applicant to pay.

Transmission of copies of decrees and orders to Secretary.

39. A Court making a decree in a suit under section 29 or section 38, or an order on an application under section 30, section 31 or section 33, shall send a copy of the decree or order, as the case may be, to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

Registration of cessation of exclusive privilege.

40. In the following cases, namely :—

(*a*) when an exclusive privilege acquired under this Part has ceased under section 8 or section 15 by reason of a fee in respect of the continuance of the privilege not having been paid within the time limited by the fourth schedule for the payment thereof, and the period, if any, within which an order might have been made for enlarging the time for the making of the payment has expired ;

(*b*) when an exclusive privilege acquired under this Part has been declared by the Governor General in Council under section 27 to have ceased ;

(*c*) when an exclusive privilege acquired under this Part has ceased under section 28 by reason of the revocation or expiration of a patent or exclusive privilege ;

(*d*) when the whole or any part of an exclusive privilege acquired under this Part has ceased under section 36 in consequence of an order under that section ;

(*e*) when an exclusive privilege has been declared by a decree to have vested in an actual inventor under section 38 ;

(*f*) when an exclusive privilege acquired under this Part has ceased by reason of the expiration of the term for which it was acquired;

the Secretary shall cause an entry with respect to the cessation or vesting of the exclusive privilege to be made in the register of inventions, and a reference to that entry to be made in the margin of the entry in that register of the application for leave to file the specification of the invention.

Rectification of register of inventions or address-book.

41. (*1*) If any person is aggrieved by an entry in the register of inventions or address-book, or by the omission of an entry therefrom, and a proceeding is not provided in the foregoing portion of this Part whereby the register or book may be rectified, he may apply to a High Court for an order for the rectification of the register or book, and the Court may make such order on the application as it thinks fit.

(*2*) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof and reference thereto to be made in the register of inventions and against any entry in the address-book affected thereby.

(*3*) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

Power to High Court to stay proceedings on or dismiss certain applications.

42. A High Court to which an application has been made under section 30, section 31, section 33 or section 41 may stay proceedings on, or dismiss, the application if in its opinion the application would be disposed of more justly or conveniently by another High Court.

Power for Governor General in Council to require grant of licenses.

43. If on the petition of any person interested it is proved to the Governor General in Council that, by reason of an inventor who has acquired an exclusive privilege under this Part failing to grant licenses on reasonable terms,—

(*a*) the exclusive privilege is not being worked in British India, or

(*b*) the reasonable requirements of the public with respect to the invention cannot be supplied, or

(*c*) any person is prevented from working or using to the best advantage an invention of which he is possessed,

the Governor General in Council may order the inventor to grant, or may himself on behalf of the inventor grant, licenses on such terms as to the amount of royalties, security for payment, or otherwise, as the Governor General in Council, having regard to the nature of the invention and the circumstances of the case, may deem just.

Assignment for particular places.

44. Any person for the time being entitled to an exclusive privilege under this Part, or to any share or interest in such a privilege, in any local area

may, subject to the conditions of his title thereto, assign the privilege or such share or interest, as the case may be, for any place in or part of that local area.

Subscription of specifications and applications.

45. If an applicant is absent from British India, an application for leave to file a specification, or a specification, or an application for leave to file a memorandum or amended specification, may, instead of being signed by the applicant under section 5, section 9 or section 18, as the case may be, be signed on behalf of the applicant by an agent in British India authorized by him in writing in that behalf.

Verification of applications.

46. (*1*) An application under this Part for leave to file a specification, memorandum or amended specification must be verified by the person making the application.

(*2*) If that person is absent from British India, the application may be verified by the agent who signs the application on his behalf.

(*3*) The verification must be signed by the person making it, and must be to the effect that the facts stated in the application are true to his knowledge, except as to matters stated on information and belief, and that as to those matters he believes them to be true.

Agents.

47. Subject to the provisions of the two last foregoing sections and of any other enactment for the time being in force, any act which is required or authorized by this Part to be done by any person may be done on his behalf by an agent in British India having authority in writing from that person so to do the act.

Fees.

48. (*1*) There shall be paid in respect of the several proceedings specified in the fourth schedule the fees in that schedule prescribed.

(*2*) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(*3*) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council directs.

(*4*) A proceeding in respect of which a fee is payable under the fourth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

49. (*1*) The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend either of the forms in the second and third schedules.

(*2*) Rules under this section may provide, among other matters, for the printing of specifications, memoranda and amended specifications, and for the distribution or sale of printed copies thereof.

PART II.

DESIGNS.

50. In this Part, unless there is something repugnant in the subject or context,— Definitions.

(*1*) "design" means some peculiar shape, configuration or form given to an article, or arrangement of lines or the like used on or with an article, but not the article itself:

(*2*) "copyright" means the exclusive right to apply a design to an article:

(*3*) the author of any new and original design shall be considered the "proprietor" thereof, unless he executed the work on behalf of another person for a good or valuable consideration, in which case that person shall be considered the "proprietor", and every person acquiring for a good or valuable consideration a new and original design, or the right to apply the same to an article, either exclusively of any other person or otherwise, and also every person on whom the property in the design or the right to the application thereof shall devolve, shall be considered the "proprietor" of the design in the respect in which the same may have been so acquired, and to that extent, but not otherwise: and

(*4*) "Secretary", "District Court" and "High Court" have the same meanings as in Part I.

51. (*1*) Any person, whether a British subject or not, claiming to be the proprietor of any new and original design not previously published in British India, may apply to the Governor General in Council for an order for the registration of the design. Application for order for registration of design.

(*2*) The application must be in writing in the form or to the effect of the fifth schedule, and must contain a statement of the nature of the design and be accompanied by as many copies of drawings, photographs or tracings thereof, not being fewer than four, as may be required by the rules for the time being in force under this Part.

(*3*) It must be left with, or sent by post to, the Secretary, and the date of the delivery or receipt thereof in the office of the Secretary shall be endorsed thereon and recorded in that office.

52. (*1*) Upon the application the Governor General in Council may, after such inquiry as he thinks fit, make an order authorizing the registration of the design. Registration in register of designs.

(*2*) When an order has been made under sub-section (*1*), the Secretary

shall cause the design to be registered in a book to be kept by him for the purpose and to be called the register of designs.

(*3*) The date of registration shall be recorded in the register.

Acquisition of copyright.

53. When a design is registered, the proprietor thereof shall, subject to the other provisions of this Part, have copyright in the design during five years from the date of registration.

Marking registered designs.

54. (*1*) Before delivery on sale of any article to which a registered design has been applied, the proprietor of the design shall cause the article to be marked with the word "registered" either in full or in an abbreviated form.

(*2*) If he fails to cause the article to be so marked, the copyright in the design shall cease unless the proprietor shows that he took all proper steps to ensure the marking of the article.

Effect of exhibiting unregistered designs at exhibitions.

55. If the proprietor of a design exhibited at an industrial or international exhibition, certified as such by the Governor General in Council, causes an application for an order for the registration of the design to be delivered to or received by the Secretary within six months from the date of the admission of the design into that exhibition, the design shall not be deemed not to be a new and original design not previously published in British India within the meaning of section 51 by reason only of the design having been exhibited at the exhibition.

Mutation of names in register of designs.

56. Any person in whom the copyright in a design has become vested may apply to the Secretary for the entry of his name in the register of designs as proprietor of the copyright, and the Secretary may, if he sees fit, cause the entry to be made.

Suit for infringement of copyright.

57. (*1*) The registered proprietor of a design may institute a suit in the District Court for the recovery of any damages arising from the application by any person to any article of the design or of any fraudulent or obvious imitation thereof for the purpose of sale, or from the publication, sale or exposure for sale by any person of any article to which the design, or any fraudulent or obvious imitation thereof, has been applied, that person knowing or having reason to believe that the proprietor had not given his consent to such application.

(*2*) When the Court makes a decree in a suit under this section, it shall send a copy of the decree to the Secretary, who shall cause an entry thereof to be made in the register of designs.

Registration of cessation of copyright

58. When, from the expiration of the term of a copyright or from any other cause, the copyright in a design has ceased, the Secretary shall cause an

entry with respect to the cessation of the right to be made in the register of designs.

Rectification of register of designs.

59. (*1*) A High Court may, on the application of any person aggrieved by an entry in the register of designs, or by the omission of an entry therefrom, make such order for the rectification of the register as it thinks fit.

(*2*) An order under sub-section (*1*) may declare copyright in a design not to have been acquired.

(*3*) A copy of the order shall be forwarded by the Court to the Secretary, who shall cause an entry thereof to be made in the register of designs.

(*4*) When the Secretary is a party to an application under this section, the costs of another party thereto shall not be adjudged to be payable by the Secretary.

Power to High Court to stay proceedings on, or dismiss, application for rectification of register.

60. A High Court to which an application has been made under the last foregoing section may stay proceedings on, or dismiss, the application if, in its opinion, the application would be disposed of more justly or conveniently by another High Court.

Application to this Part of certain provisions of Part I.

61. The provisions of the following portions of Part I, namely :—

(*a*) section 11, with respect to copies of specifications,

(*b*) section 14, with respect to the register of inventions and the matters entered therein, and

(*c*) section 47, with respect to the performance by an agent of any act required or authorized by that Part to be done by a principal,

shall, so far as they can be made applicable, apply, respectively, to—

(*a*) copies of drawings, photographs or tracings accompanying an application for an order for the registration of a design in respect of which such an order has been made,

(*b*) the register of designs and the matters entered and documents referred to therein, and

(*c*) the performance by an agent of any act required or authorized by this Part to be done by a principal.

Fees.

62. (*1*) There shall be paid in respect of the several proceedings specified in the sixth schedule the fees in that schedule prescribed.

(*2*) The Governor General in Council may, if he thinks fit, reduce any of those fees and revoke or vary the reduction.

(*3*) The fees payable under this section shall be collected by means of stamps or otherwise as the Governor General in Council may direct.

(*4*) A proceeding in respect of which a fee is payable under the sixth schedule shall be of no effect unless the fee has been paid.

Rules and forms.

63. The Governor General in Council may make such rules and prescribe such forms as he thinks necessary for carrying out the purposes of this Part, and may alter or amend the form in the fifth schedule.

THE FIRST SCHEDULE.

ENACTMENTS REPEALED.

(*See section 2.*)

Number and year.	Subject or title.	Extent of repeal.
XV of 1859 . .	For granting exclusive Privileges to Inventors.	So much as has not been repealed.
XIII of 1872 . .	Patterns and Designs Protection Act, 1872 .	So much as has not been repealed.
XVI of 1883 . .	Protection of Inventions Act, 1883 . .	The whole.
I of 1879 . .	Indian Stamp Act, 1879	Article 48, Schedule I.

THE SECOND SCHEDULE.

APPLICATION WHERE PATENT HAS NOT BEEN OBTAINED.

(*See sections 5 and 49.*)

TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant is in possession of an invention for (*state the title of the invention*) ; he is the inventor thereof (*or, as the case may be, the executor, administrator or assign of the inventor*) ; and, to the best of his information and belief, the invention is new within the meaning of Part I of the Inventions and Designs Act, 1888, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

2. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

The Third Schedule.—Application where Patent has been obtained. The Fourth Schedule.—Fees (Inventions).)

3. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Inventions and Designs Act, 1888.

(*Sigature and verification.*)

THE THIRD SCHEDULE.

APPLICATION WHERE PATENT HAS BEEN OBTAINED.

(*See sections 5 and 49.*)

TO THE GOVERNOR GENERAL IN COUNCIL.

The application of (*here insert name, occupation and address*) for leave to file a specification under Part I of the Inventions and Designs Act, 1888.

1. The applicant (*or, as the case may be, A. B. of whom the applicant is the executor, administrator or assign*) has obtained a patent in the United Kingdom dated and sealed as of the day of , and actually sealed on the day of , for (*state the title of the invention*).

2. To the best of the information and belief of the applicant, the invention is new within the meaning of Part I of the Inventions and Designs Act, 1888, and no circumstance exists which, if the applicant is authorized to file a specification and files it in accordance with that Part, will disentitle him to an exclusive privilege thereunder in respect of the invention.

3. The following is a description of the invention (*here describe it and the particular novelty whereof it consists*).

4. The applicant therefore applies for leave to file a specification of the invention pursuant to Part I of the Inventions and Designs Act, 1888.

(*Signature and verification.*)

THE FOURTH SCHEDULE.

FEES (*Inventions*).

(*See sections 8, 15 and 48.*)

	Rs.	A.	P.
(*1*) in respect of an application for leave to file a specification (section 5) .	10	0	0
(*2*) in respect of the filing of a specification (section 8) . . .	30	0	0
(*3*) in respect of an extension of the time for filing a specification (section 8)	20	0	0
(*4*) in respect of the continuance of an exclusive privilege (section 8)—			
(*a*) after the filing of the specification and before the expiration of the fourth year from the date of the filing thereof . .	50	0	0

THE FOURTH SCHEDULE—*continued.*

	Rs.	A.	P.
(*b*) after the expiration of the fourth year and before the expiration of the fifth year from that date	50	0	0
(*c*) after the expiration of the fifth year and before the expiration of the sixth year from that date	50	0	0
(*d*) after the expiration of the sixth year and before the expiration of the seventh year from that date.	50	0	0
(*e*) after the expiration of the seventh year and before the expiration of the eighth year from that date	50	0	0
(*f*) after the expiration of the eighth year and before the expiration of the ninth year from that date	100	0	0
(*g*) after the expiration of the ninth year and before the expiration of the tenth year from that date	100	0	0
(*h*) after the expiration of the tenth year and before the expiration of the eleventh year from that date	100	0	0
(*i*) after the expiration of the eleventh year and before the expiration of the twelfth year from that date	100	0	0
(*j*) after the expiration of the twelfth year and before the expiration of the thirteenth year from that date	100	0	0
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.			
(*5*) in respect of an enlargement of the time for payment of a fee under article (4) of this schedule (section 8)—			
(*i*) if the enlargement does not exceed one month	10	0	0
(*ii*) if the enlargement exceeds one month, but does not exceed two months	25	0	0
(*iii*) if the enlargement exceeds two months	50	0	0
(*6*) in respect of an application for an extension of an exclusive privilege for a further term (section 15)	50	0	0
(*7*) in respect of an order extending the term of an exclusive privilege (section 15)	100	0	0
(*8*) in respect of the continuance of an exclusive privilege of which the term has been extended (section 15)	100	0	0
	to be paid before the expiration of each year of the extended term:		
Provided that the inventor may pay the sum total of the said fees in respect of the continuance of the exclusive privilege, or any part thereof short of the sum total, at any time before the same falls due.			
(*9*) in respect of an application for leave to file a memorandum or amended specification (section 18)	20	0	0
(*10*) in respect of a petition to the Governor General in Council for a compulsory license (section 43)	50	0	0
(*11*) for the inspection of any book or other document which is open to inspection under Part I	1	0	0
(*12*) for copies—			
(*a*) when the number of words copied does not exceed four hundred	1	0	0
(*b*) for every hundred words in excess of four hundred . .	0	4	0
(*c*) of drawings or photographs	cost according to agreement.		
(*13*) for certifying copies—			
for every hundred words	0	2	0

THE FIFTH SCHEDULE.

Application for Order for Registration of Design.

(*See sections 51 and 63.*)

The application of (*here insert name, occupation and address*) for an order for the registration of a design under Part II of the Inventions and Designs Act, 1888.

1. The applicant claims to be the proprietor of the design of which the nature is hereinafter stated.

2. To the best of his information and belief, that design is, within the meaning of Part II of the Inventions and Designs Act, 1888, a new and original design not previously published in British India.

3. copies of (*drawings*), (*photographs*), (*tracings*) of the design accompany this application.

4. The following is a statement of the nature of the design (*here describe its nature*).

5. The applicant therefore applies for an order for the registration of the design pursuant to Part II of the Inventions and Designs Act, 1888.

(*Signature.*)

THE SIXTH SCHEDULE.

Fees (*Designs*).

(*See section 62.*)

	Rs.	A.	P.
(1) in respect of an application for an order for the registration of a design (section 51)	10	0	0
(2) in respect of a mutation of names in the register of designs (section 56)	5	0	0
(3) for the inspection of any book or other document which is open to inspection under Part II	1	0	0
(4) for copies—			
(a) when the number of words copied does not exceed four hundred	1	0	0
(b) for every hundred words in excess of four hundred	0	4	0
(c) of drawings, photographs or tracings	cost according to agreement.		
(5) for certifying copies—			
for every hundred words	0	2	0

ACT No. VI OF 1888.[a]

Received the Governor General's assent on the 23rd March, 1888.

An Act to amend the law relating to Imprisonment for Debt.

WHEREAS it is expedient to amend the law relating to imprisonment for debt; It is hereby enacted as follows:—

Title, commencement and extent.

1. (*1*) This Act may be called the Debtors Act, 1888; and

(*2*) It shall come into force at once.

(*3*) The several portions thereof have the same local extent as the enactments to which they respectively relate.

Addition of sections after section 245 of the Code of Civil Procedure.

2. After section 245 of the Code of Civil Procedure the following sections shall be inserted, namely:— XIV of 1882.

Prohibition of arrest or imprisonment of women in execution of decrees for money.

"245A. Notwithstanding anything in the last foregoing section or in any other section of this Code, the Court shall not order the arrest or imprisonment of a woman in execution of a decree for money.

Discretionary power to permit other judgment-debtors to show cause against imprisonment.

"245B. (*1*) Notwithstanding anything in section 245 or in any other section of this Code, when an application is for the execution of a decree for money by the arrest and imprisonment of a judgment-debtor who is liable to be arrested in pursuance of the application, the Court may, instead of issuing a warrant for his arrest, issue a notice calling upon him to appear before the Court on a day to be specified in the notice and show cause why he should not be committed to jail in execution of the decree.

"(*2*) If appearance is not made in obedience to the notice, the Court shall, if the decreeholder so requires, issue a warrant for the arrest of the judgment-debtor."

Amendment of section 250 of the Code.

3. In section 250 of the said Code, between the word "shall" and the word "issue," the following shall be inserted, namely:—

"subject to the provisions of sections 245A and 245B,".

Addition of new section after section 337 of the Code.

4. After section 337 of the said Code the following shall be inserted, namely:—

Proceedings on appear-

"337A. (*1*) When a judgment-debtor appears before the Court in obedi-

[a] This Act (except ss. 9 and 10) has been extended to the Town of Mandalay under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 4th August, 1888, Pt. I, p. 362, and Gazette of India, 11th *idem*, Pt. I, p. 371.

ence to a notice issued under section 245B, or is brought before the Court after being arrested in execution of a decree for money, and it appears to the Court that the judgment-debtor is unable from poverty or other sufficient cause to pay the amount of the decree or, if that amount is payable by instalments, the amount of any instalment thereof, the Court may, upon such terms, if any, as it thinks fit, make an order disallowing the application for his arrest and imprisonment, or directing his release, as the case may be.

ance of judgment-debtor in obedience to notice under section 245B, or after arrest in execution of decree for money.

"(*2*) Before making an order under sub-section (*1*), the Court may take into consideration any allegation of the decreeholder touching any of the following matters, namely :—

(*a*) the decree being for a sum for which the judgment-debtor was bound as a trustee or as acting in any other fiduciary capacity to account;

(*b*) the transfer, concealment or removal by the judgment-debtor of any part of his property after the date of the institution of the suit in which the decree was made, or the commission by him after that date of any other act of bad faith in relation to his property, with the object or effect of obstructing or delaying the decreeholder in the execution of the decree;

(*c*) any undue or unreasonable preference given by the judgment-debtor to any of his other creditors;

(*d*) his refusal or neglect to pay the amount of the decree or some part thereof when he has or since the date of the decree has had the means of paying it;

(*e*) the likelihood of his absconding or leaving the jurisdiction of the Court with the object or effect mentioned in clause (*b*) of this sub-section.

"(*3*) While any of the matters mentioned in sub-section (*2*) are being considered, the Court may in its discretion order the judgment-debtor to be imprisoned, or leave him in the custody of an officer of the Court, or release him on his furnishing sufficient security for his appearance on the requisition of the Court.

"(*4*) A judgment-debtor released under this section may be re-arrested.

"(*5*) If the Court does not make such an order as is mentioned in sub-section (*1*), it shall cause the judgment-debtor to be arrested if he has not already been arrested and, subject to the other provisions of this Code, commit him to jail."

5. To section 380 of the said Code the following shall be added, namely :— Addition to section 380 of the Code.

"On the application of any defendant in a suit for money in which the plaintiff is a woman the Court may at any stage of the suit make a like

order if it is satisfied that such plaintiff does not possess any sufficient immoveable property within British India independent of the property in suit."

Amendment of section 640 of the Code.

6. In section 640 of the said Code, after the words "from arrest in execution of civil process" the words "in any case in which the arrest of women is not prohibited by this Code" shall be added.

Amendment of section 642 of the Code.

7. In section 642 of the said Code, for the words and figures "except as provided in sections 256 and 643" the following shall be substituted, namely :—

"except as provided in section 337A, sub-section (*5*), and sections 256 and 643".

Addition of new section after section 652 of the Code.

8. After section 652 of the said Code the following shall be added, namely :—

Release on ground of illness of judgment-debtor.

"653. (*1*) At any time after a warrant of arrest has been issued under this Code, the Court may cancel it on the ground of the serious illness of the person against whom the warrant was issued.

"(*2*) When a judgment-debtor has been arrested under this Code the Court may release him if in its opinion he is not in a fit state of health to undergo imprisonment.

"(*3*) When a judgment-debtor has been committed to jail, he may be released therefrom—

(*a*) by the Local Government, on the ground of his suffering from any infectious or contagious disease, or

(*b*) by the committing Court, or any Court to which that Court is subordinate, on the ground of his suffering from any serious illness.

(*4*) A judgment-debtor released under this section may be re-arrested, but the period of his imprisonment shall not in the aggregate exceed that prescribed in section 342 or section 481, as the case may be."

Repeal of other enactments.

9. The last sixteen words of section 8 of the Married Women's Property Act, 1874, and the whole of section 31 of the Ajmere Courts Regulation, 1871, are hereby repealed. III of 1874. I of 1877.

Amendment of parts of Madras Act VIII of 1865 and India Act XII of 1881.

10. (*1*) For the first fifty-five words of section 48 of the Act of the Governor of Fort St. George in Council, No. VIII of 1865, the following shall be substituted, namely :—

"No person shall be imprisoned as a defaulter for a longer period than six months whatever the amount of the arrears may be, nor for a longer period than six weeks if the arrears do not exceed fifty rupees."

(2) For the proviso to section 163 of the North-Western Provinces Rent Act, 1881, the following shall be substituted, namely :—

XII of 1881.

"Provided that the time for which a debtor may be confined in execution of a decree under this Act shall not exceed six weeks when the amount decreed (exclusive of costs) does not exceed fifty rupees, or six months in any other case."

ACT No. VII OF 1888.*

Received the Governor General's assent on the 23rd March, 1888.

An Act to amend the Code of Civil Procedure, the Indian Registration Act, 1877, and the Indian Limitation Act, 1877.

XIV of 1882.

WHEREAS it is expedient to amend the Code of Civil Procedure, the

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* This Act (except so much thereof as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, which is already in force) has been extended under s. 5 of the Scheduled Districts Act, 1874, to the following Scheduled Districts :—

The Districts of Darjeeling and Julpáiguri, and the Mahál of Angul.	See Calcutta Gazette, 14th November, 1888, Pt. I, p. 959, and Gazette of India, 17th idem, Pt 1, p. 524.
The Districts of Hazáribágh, Lohardugga and Manbhoom, and the Pergunnah of Dhalbhoom.	ditto.
The Pergunnah Jaunsar-Barwar in the Dehra Dún District and the scheduled portion of the Mirzapore District.	See North-Western Provinces Gazette, 27th October, 1888, Pt. I, p. 517, and Gazette of India, 3rd November, 1888, Pt. I, p 495.
The Scheduled Districts of the Central Provinces.	See Central Provinces Gazette, 1st September, 1888, Pt. II, p. 193, and Gazette of India, 8th *idem*, Pt. I, p. 408.
The District of Coorg	See Coorg Gazette, 1st October, 1888, Pt I, p 94, and Gazette of India, 8th September, 1888, Pt. I, p. 409.
The Andaman and Nicobar Islands . .	See Andaman and Nicobar Islands Gazette, 3rd November, 1888, and Gazette of India, 10th November, 1888, Pt. II, p 517.
The Province of Sind	See Bombay Gazette, 18th October, 1888, Pt. I, p. 830, and Gazette of India, 27th *idem*, Pt. I, p. 478.
The Jhansi Division (*except also s. 63*) .	See North-Western Provinces Gazette, 27th October, 1888, Pt. I, p. 517, and Gazette of India, 3rd November, 1888, Pt. I, p. 495.
The District of Kámrúp, Nowgong (excluding the Mikir Hills Tract), Darrang, Sibságar, Lakhimpur (excluding the Dibrugarh Frontier Tract), Goálpára (excluding the Eastern Dwárs), Sylhet, and Cachar (excluding the North Cachar Hills) (*except also s. 63*).	See Assam Gazette, 13th October, 1888, Pt II, p. 405, and Gazette of India, 27th *idem*, Pt. I, p. 478.
The Town of Mandalay (*except only s. 65*)	See Burma Gazette, 4th August, 1888, Pt. I, p. 362, and Gazette of India, 11th *idem*, Pt. I, p. 371.

So much of the Act as amends the Indian Registration Act, 1877, and the Indian Limitation Act, 1877, has, under s. 3 of the Scheduled Districts Act, 1874, been declared in force in the districts of Hazáribágh, Lohardugga and Manbhum, and in the pergunnah of Dhalbhoom and the Kolhan in Singhbhoom—see Calcutta Gazette, 14th November, 1888, Pt. I, p 959, and Gazette of India, 17th idem, Pt. I, p. 524

Indian Registration Act, 1877, and the Indian Limitation Act, 1877; It is hereby enacted as follows :— III of 1877. XV of 1877.

Title and commencement.

1. (*1*) This Act may be called the Civil Procedure Code Amendment Act, 1888; and

(*2*) It shall come into force on the first day of July, 1888.

Construction.

2. (*1*) In this Act, unless there is something repugnant in the subject or context, "section" means a section, "schedule" a schedule, and "Chapter" a Chapter, of the Code of Civil Procedure. XIV of 1882

(*2*) Any reference in any enactment heretofore passed or hereafter to be passed to any Act amended by this Act shall, so far as may be, be read as if made to that Act as so amended.

Addition of new section after section 4.

3. The following shall be inserted after section 4, namely :—

Power to modify the Code in its application to Revenue Courts.

"4A. (*1*) Where any Revenue Courts are governed by the provisions of the Code of Civil Procedure in those matters of procedure upon which any special enactment applicable to them is silent, the Local Government, with the previous sanction of the Governor General in Council, may, by notification in the official Gazette, declare that any portions of those provisions shall not apply to those Courts, or shall only apply to them with such modifications as the Local Government, with the sanction aforesaid, may prescribe.

"(*2*) 'Revenue Court' in sub-section (*1*) means a Court having jurisdiction under any local law to entertain suits relating to the rent, revenue or profits of land used for agricultural purposes, but does not include a Civil Court having original jurisdiction under this Code to try such suits as being suits of a civil nature of which its cognizance is not barred by any enactment for the time being in force."

Repeal of part of section 8.

4. The second paragraph of section 8 is hereby repealed.

Addition to section 14.

5. To section 14 the following shall be added, namely :—

"Where a suit is instituted in British India on the judgment of any foreign Court in Asia or Africa except a Court of Record established by Letters Patent of Her Majesty or any predecessor of Her Majesty or a Supreme Consular Court established by an Order of Her Majesty in Council, the Court in which the suit is instituted shall not be precluded from inquiry into the merits of the case in which the judgment was passed."

Addition of new section after section 16.

6. The following shall be inserted after section 16, namely :—

Place for

"16 A. (*1*) When it is alleged to be uncertain within the local limits of

the jurisdiction of which of two or more Courts any immoveable property is situate, any one of those Courts may, if satisfied that there is ground for the alleged uncertainty, record a statement to that effect and thereupon proceed to entertain and dispose of any suit relating to that property, and its decree in the suit shall have the same effect as if the property were situate within the local limits of its jurisdiction :

Institution of suit where local limits of jurisdiction of Courts are uncertain.

"Provided that the suit is one with respect to which the Court is competent as regards the nature and value of the suit to exercise jurisdiction.

"(2) Where a statement has not been recorded under sub-section (1), and an objection is taken before an appellate or revisional Court that a decree or order in a suit relating to such property was made by a Court not having jurisdiction where the property is situate, the appellate or revisional Court shall not allow the objection if in its opinion there was, at the time of the institution of the suit, any reasonable ground for uncertainty as to the Court having jurisdiction with respect thereto."

7. In section 17, after Explanation II, the following shall be inserted, namely :—

Addition to section 17.

"EXPLANATION III.—In suits arising out of contract, the cause of action arises within the meaning of this section at any of the following places, namely :—

(i) the place where the contract was made ;

(ii) the place where the contract was to be performed or performance thereof completed ;

(iii) the place where in performance of the contract any money to which the suit relates was expressly or impliedly payable."

8. In section 27 there shall be inserted after the words "the Court may" the words "at any stage of the suit", and after the words "any other person or persons" the words "with his or their consent".

Amendment of section 27.

9. For section 53 the following shall be substituted, namely :—

Substitution of new section for section 53.

"53. The plaint may, at the discretion of the Court,—

When plaint may be rejected, returned for amendment or amended.

(*a*) at, or at any time before, the settlement of issues be rejected if it does not disclose a cause of action ;

(*b*) at, or at any time before, the settlement of issues be returned for amendment within a time to be fixed by the Court, and upon such terms as to the payment of costs occasioned by such amendment as the Court thinks fit, if it—

(i) is not signed and verified as hereinbefore required,

(ii) does not state correctly and without prolixity the several particulars hereinbefore required, or contains particulars other than those so required,

(iii) is wrongly framed by reason of nonjoinder or misjoinder of parties, or joins causes of action which ought not to be joined in the same suit, or

(iv) is not framed in accordance with the provisions of section 42 ;

(*c*) at any time before judgment be amended by the Court upon such terms as to the payment of costs as the Court thinks fit :

" Provided that a plaint shall not be amended either by the party to whom it is returned for amendment, or by the Court, so as to convert a suit of one character into a suit of another and inconsistent character.

" When a plaint is amended under this section the amendment shall be attested by the signature of the Judge."

Substitution of new section for section 72.

10. For section 72 the following shall be substituted, namely :—

Delivery or transmission of summons for service.

" 72. (*1*) If the defendant resides within the jurisdiction of the Court in which the suit is instituted, or has an agent resident within that jurisdiction who is empowered to accept the service of the summons, the summons shall ordinarily be delivered or sent to the proper officer to be served by him or one of his subordinates.

" (*2*) The proper officer may be an officer of another Court than that in which the suit is instituted, and, where he is such an officer, the summons may, subject to any rules which the High Court may make in this behalf, be sent to him by post or in such other manner as the Court may direct."

Amendment of section 82.

11. In section 82, for the first twenty words the following shall be substituted, namely :—

" When a summons is returned under section 80, the Court shall, if the return under that section has not been verified by the affidavit of the serving-officer, and may, if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court, touching his proceedings."

Substitution of new section for section 90.

12. For section 90 the following shall be substituted, namely :—

Service in foreign territory through British Resident or Court.

" 90. If there is a British Resident or Agent, or a Superintendent appointed by the British Government, or a Court established or continued by the authority of the Governor General in Council, in or for the territory in which the defendant resides, the summons may be sent to such Resident, Agent,

Superintendent or Court, by post or otherwise, for the purpose of being served upon the defendant; and, if the Resident, Agent or Superintendent or the Judge of the Court returns the summons with an endorsement under his hand that the summons has been served on the defendant in manner hereinbefore directed, such endorsement shall be evidence of the service."

13. For sections 141 and 142 the following shall be substituted, namely :— Substitution of new sections for sections 141 and 142.

"141. (*1*) Subject to the provisions of the next following sub-section, there shall be endorsed on every document which has been admitted in evidence in the suit the following particulars, namely :— Endorsements on documents admitted in evidence.

(*a*) the number and title of the suit,

(*b*) the name of the person producing the document,

(*c*) the date on which it was produced, and

(*d*) a statement of its having been so admitted,

and the endorsement shall be signed by the Judge.

"(*2*) If a document so admitted is an entry in a book, account or record, and a copy thereof has been substituted for the original under the next following section, the particulars aforesaid shall be endorsed on the copy and the endorsement thereon shall be signed by the Judge.

"141A. (*1*) If a document admitted in evidence in the suit is an entry in a shop-book or other account in current use, the party on whose behalf the account is produced may furnish a copy of the entry. Endorsements on copies of admitted entries in books, accounts and records.

"(*2*) If such a document is an entry in a public record produced from a public office or by a public officer, or an entry in a book or account belonging to a person other than a party on whose behalf the book or account is produced, the Court may require a copy of the entry to be furnished—

(i) where the record, book or account is produced on behalf of a party, then by that party, or

(ii) where the record, book or account is produced in obedience to an order of the Court acting of its own motion, then by either or any party.

"(*3*) When a copy of an entry is furnished under the foregoing provisions of this section, the Court shall, after causing the copy to be examined, compared and attested in manner mentioned in section 62, mark the entry and cause the book, account or record in which it occurs to be returned to the person producing it.

"142. When a document relied on as evidence by either party is considered by the Court to be inadmissible in evidence, there shall be endorsed thereon the particulars mentioned in clauses (*a*), (*b*) and (*c*) of section 141, Endorsements on documents rejected as

inadmissible in evidence.

sub-section (*1*), and a statement of its having been rejected, and the endorsement shall be signed by the Judge.

Recording of admitted and return of rejected documents.

"142A. (*1*) Every document which has been admitted in evidence, or a copy thereof where a copy has been substituted for the original under section 141A, shall form part of the record of the suit.

"(*2*) Documents not admitted in evidence shall not form part of the record and shall be returned to the parties respectively producing them."

Amendment of section 148.

14. In section 148, for the words and figures "sections 62, 141 and 142" there shall be substituted the following, namely :—

"section 62, section 141A, sub-section (*3*), or section 142A, sub-section (*2*)."

Amendment of section 159.

15. In section 159 the words "or sent" shall be inserted after the word "delivered."

Amendment of section 168.

16. In section 168, for the words "shall examine the serving-officer on oath" the following shall be substituted, namely :—"shall if the certificate of the serving-officer has not been verified by affidavit, and may if it has been so verified, examine the serving-officer on oath, or cause him to be so examined by another Court."

Addition of new section after section 185.

17. The following shall be inserted after section 185, namely :—

Power for Local Government to require evidence to be recorded in English.

"185A. (*1*) The Local Government may, by notification in the official Gazette, direct, with respect to any Judge specified in the notification, or falling under a description set forth therein, that evidence in cases in which an appeal is allowed shall, instead of being taken down in the manner prescribed in the foregoing sections, be taken down by him with his own hand in the English language.

"(*2*) Where a Judge is prevented by any sufficient reason from complying with a direction under sub-section (*1*), he shall record the reason and cause the evidence to be taken down in writing from his dictation in open Court.

"(*3*) Evidence taken down under sub-section (*1*) or sub-section (*2*) shall be taken in the form mentioned in section 182, and be read over and signed, and, as occasion may require, interpreted and corrected, as if it were evidence taken down under that section.

"(*4*) The Local Government may, by notification in the official Gazette, revoke or vary a direction notified under sub-section (*1*)."

Addition to section 191. Power to deal with evidence

18. For section 191 the following shall be substituted, namely :—

"191. (*1*) Where the Judge taking down any evidence, or causing any memorandum to be made, under this Chapter, is prevented by death, transfer

or other cause from concluding the trial of the suit, any successor to such Judge may deal with such evidence or memorandum as if he himself had taken it down or caused it to be made, and proceed with the suit from the stage at which his predecessor left it. taken down by another Judge.

"(*2*) The provisions of sub-section (*1*) shall apply, so far as they can be made applicable, to a suit transferred under section 25:

"Provided that a Court transferring a suit under that section may, if it thinks fit, direct that the Court to which the suit is transferred shall recall all or any of the witnesses who have been examined and take their evidence afresh."

19. To section 193 the following shall be added, namely:— Addition to section 193.

"A Court continuing a suit under section 191 may recall and re-examine a witness who has departed in accordance with section 173."

20. (*1*) In section 209, for the first thirteen words the words "When a decree is for the payment of money" shall be substituted. Amendment of section 209.

(*2*) To the same section the following shall be added, namely:—

"Where such a decree is silent with respect to the payment of further interest on such aggregate sum as aforesaid from the date of the decree to the date of payment or other earlier date, the Court shall be deemed to have refused such interest, and a separate suit therefor shall not lie."

21. (*1*) In section 216, for the first twenty-four words the following shall be substituted, namely:— Amendment of section 216.

"If the defendant has been allowed a set-off against the claim of the plaintiff,".

(*2*) To the same section the following shall be added, namely:—

"The provisions of this section shall apply whether the set-off is admissible under section 111 or otherwise."

22. In section 223, for the words "in a case cognizable by a Court of Small Causes" the following shall be substituted, namely:— Amendment of section 223.

"in a suit of which the value as set forth in the plaint did not exceed two thousand rupees and which, as regards its subject-matter, is not excepted by the law for the time being in force from the cognizance of either a Presidency or a Provincial Court of Small Causes".

23. In section 229, after the word "established" the words "or continued" shall be inserted. Amendment of section 229.

24. After section 229 the following shall be inserted, namely:— Addition of new section after section 229.

"229A. So much of the foregoing sections of this Chapter as empowers a Sending of

decrees of British Indian Courts to British Courts in Native States.

Court to send a decree for execution to another Court shall be construed as empowering a Court in British India to send a decree for execution to any Court established or continued by the authority of the Governor General in Council in the territories of any Foreign Prince or State to which the Governor General in Council has, by notification in the Gazette of India, declared this section to apply."

Repeal of part of section 230.

25. The last paragraph of section 230 is hereby repealed.

Amendment of section 244.

26. (*1*) In section 244, for clause (*c*) the following shall be substituted, namely :—

"(*c*) any other questions arising between the parties to the suit in which the decree was passed, or their representatives, and relating to the execution, discharge or satisfaction of the decree or to the stay of execution thereof."

(*2*) To the same section the following shall be added, namely :—

"If a question arises as to who is the representative of a party for the purposes of this section, the Court may either stay execution of the decree until the question has been determined by a separate suit or itself determine the question by an order under this section."

Amendment of section 258.

27. For the last paragraph of section 258 the following shall be substituted, namely :—

"Unless such a payment or adjustment has been certified as aforesaid, it shall not be recognized as a payment or adjustment of the decree by any Court executing the decree."

Amendment of section 266.

28. (*1*) In the first proviso to section 266, clause (*a*), the words "and bedding" shall be inserted after the word "apparel".

(*2*) In the same proviso, clause (*b*), after the word "cattle" the words "and seed-grain" shall be inserted.

(*3*) In the same proviso, for clause (*h*) the following shall be substituted, namely :—

"(*h*) the salary of a public officer or of any servant of a Railway Company or local authority to the extent of—

(i) the whole of the salary where the salary does not exceed twenty rupees monthly ;

(ii) twenty rupees monthly where the salary exceeds twenty rupees and does not exceed forty rupees monthly ; and

(iii) one moiety of the salary in any other case."

(*4*) To the same proviso, after clause (*l*), the following shall be added, namely :—

24 & 25 Vict., c. 67.

" (*m*) any allowance declared by any law passed under the Indian Councils Act, 1861, by a Governor or a Lieutenant-Governor in Council to be exempt from liability to attachment or sale in execution of a decree;

" (*n*) where the judgment-debtor is a person liable for the payment of land-revenue, any moveable property which under any law applicable to him is exempt from sale for the recovery of an arrear of such revenue."

(*5*) In the explanation to the same proviso, for the word and letter "and (*j*)" the letters and word " (*j*) and (*m*)" shall be substituted.

Amendment of section 289.

29. In section 289 the words "on the spot where the property is attached" are hereby repealed.

Addition to section 320.

30. To section 320 the following shall be added, namely :—

"Rules under this section may confer upon the Collector or any gazetted subordinate of the Collector all or any of the powers which the Court might exercise in the execution of the decree if the execution thereof had not been transferred to the Collector, including the powers of the Court under sections 294 and 312, and may provide for orders passed by the Collector or any gazetted subordinate of the Collector, or orders passed on appeal with respect to such orders, being subject to appeal to and revision by superior Revenue-authorities as nearly as may be as the orders passed by the Court, or orders passed on appeal with respect to such orders, would be subject to appeal to and revision by appellate or revisional Courts under this Code or other law for the time being in force if the decree had not been transferred to the Collector.

"A power conferred by the rules upon the Collector or any gazetted subordinate of the Collector, or upon any appellate or revisional authority, shall not be exerciseable by the Court or by any Court in exercise of any appellate or revisional jurisdiction which it has with respect to decrees or orders of the Court.

"In executing a decree transferred to the Collector under this section, the Collector and his subordinates shall be deemed to be acting judicially within the meaning of Act No. XVIII of 1850 (*an Act for the protection of Judicial Officers*)."

Amendment of Chapter XX.

31. (*1*) In section 349, for the words "is under arrest" the words "is in custody under the foregoing provisions of this Code" shall be substituted.

(*2*) In section 354, between the word "and" and the words "shall

operate" the words "every order under that section appointing a Receiver" shall be inserted.

(*3*) For the second paragraph of section 360 the following shall be substituted, namely :—

"A Court so invested may entertain an application under section 344 by any person who has been arrested or imprisoned, or against whose property an order of attachment has been made in execution of a decree for money passed by that Court."

(*4*) At the end of Chapter XX the following shall be inserted, namely :—

Inapplicability of this Chapter to presidency-towns.

"360A. Nothing in this Chapter shall apply to any Court having jurisdiction within the limits of the town of Calcutta, Madras or Bombay."

Amendment of Chapter XXI

32. (*1*) For sections 363 and 364 the following shall be substituted, namely :—

Procedure where one of several plaintiffs dies and right to sue does not survive to surviving plaintiffs alone

"363. If there are more plaintiffs than one, and any of them dies, and if the right to sue does not survive to the surviving plaintiff or plaintiffs alone but survives to him or them and the legal representative of the deceased plaintiff jointly, the Court may cause the legal representative, if any, of the deceased plaintiff to be made a party, and shall thereupon cause an entry to that effect to be made on the record and proceed with the suit."

(*2*) For section 365 the following shall be substituted, namely :—

Procedure in case of death of sole or sole surviving plaintiff.

"365. In case of the death of a sole plaintiff or sole surviving plaintiff, the legal representative of the deceased may, where the right to sue survives, apply to the Court to have his name entered on the record in place of the deceased plaintiff, and the Court shall thereupon enter his name and proceed with the suit."

(*3*) To section 368 the following shall be added, namely :—

"The legal representative of a deceased defendant may apply to have himself made a defendant in place of the deceased defendant, and the provisions of this section, so far as they are applicable, shall apply to the application and to the proceedings and consequences ensuing thereon."

(*4*) After section 372 the following shall be added, namely :—

Power for Court to extend period of limitation prescribed for certain applications.

"372A. The provisions of section 5 of the Indian Limitation Act, 1877, applicable to appeals shall apply to applications under sections 365, 366, 368, and 371." XV of 1877.

Addition to section 381.

33. To section 381 the following shall be added, namely :—

"or show good cause why such time should be extended, in which case the Court may extend it.

"Where a suit is dismissed under this section, the plaintiff may apply for an order to set the dismissal aside, and, if it is proved to the satisfaction of the Court that he was prevented by any sufficient cause from furnishing the security within the time allowed, the Court shall set aside the dismissal upon such terms as to security, costs or otherwise as it thinks fit, and shall appoint a day for proceeding with the suit.

"The dismissal shall not be set aside unless the plaintiff has served the defendant with notice in writing of his application.

XV of 1877. "The provisions of the Indian Limitation Act, 1877, with respect to an application under section 103, and of this Code with respect to an appeal from an order rejecting such an application, shall apply, so far as they can be made applicable, to an application under this section for an order to set aside the dismissal of a suit, and to an appeal from an order rejecting such an application, respectively."

Amendment of section 386.

34. In section 386, for the words "or to any pleader of a High Court whom the Court issuing the commission thinks fit to appoint" the following shall be substituted, namely:—

"or to any pleader or other person whom the Court issuing the commission may, subject to any rules of the High Court in this behalf, think fit to appoint."

Amendment of section 419.

35. In section 419, after the words "Government Pleader in any Court" the words "or such other person as the Local Government may for any Court appoint in this behalf" shall be inserted.

Amendment of section 424.

36. In section 424, after the words "intending plaintiff" the words "and the relief which he claims" shall be inserted.

Amendment of section 432.

37. (*1*) In section 432, after the words "British India" the following shall be inserted, namely:—

"or at the request of any person competent in the opinion of the Government to act on behalf of such Prince or Chief".

(*2*) To the same section the following shall be added, namely:—

"An appointment under this section may be made for the purposes of a specified suit or of several specified suits, or for the purpose of all such suits as it may from time to time be necessary to prosecute or defend on behalf of the Prince or Chief.

"A person appointed under this section may authorize or appoint persons to make and do appearances, applications and acts in any such suit or suits as if he were himself a party to the suit or suits."

Substitution of new section for section 433.

38. For section 433 the following shall be substituted, namely :—

Suit against Princes, Chiefs, ambassadors and envoys.

"433. (*1*) Any such Prince or Chief, and any ambassador or envoy of a Foreign State, may, with the consent of the Governor General in Council, certified by the signature of one of the Secretaries to the Government of India (but not without such consent), be sued in any competent Court.

"(*2*) Such consent may be given with respect to a specified suit or to several specified suits, or with respect to all suits of any specified class or classes, and may specify, in the case of any suit or class of suits, the Court in which the Prince, Chief, ambassador or envoy may be sued; but it shall not be given unless the Prince, Chief, ambassador or envoy—

(*a*) has instituted a suit in the Court against the person desiring to sue him, or

(*b*) by himself or another trades within the local limits of the jurisdiction of the Court, or

(*c*) is in possession of immoveable property situate within those limits and is to be sued with reference to such possession or for money charged on that property.

"(*3*) No such Prince, Chief, ambassador or envoy shall be arrested under this Code, and, except with the consent of the Governor General in Council certified as aforesaid, no decree shall be executed against the property of any such Prince, Chief, ambassador or envoy.

"(*4*) The Governor General in Council may, by notification in the Gazette of India, authorize a Local Government and any Secretary to that Government to exercise, with respect to any Prince, Chief, ambassador or envoy named in the notification, the functions assigned by the foregoing sub-sections to the Governor General in Council and a Secretary to the Government of India, respectively.

"(*5*) A person may, as a tenant of immoveable property, sue, without such consent as is mentioned in this section, a Prince, Chief, ambassador or envoy from whom he holds or claims to hold the property."

Transposition and amendment of section 434.

39. (*1*) Section 434 shall become section 229B, and any reference made before the commencement of this Act in any notification or other document to section 434 shall be read as a reference to section 229B.

"(*2*) In section 229B, the words "or continued" shall be inserted after the word "established".

40. After section 433 the following section shall be inserted, namely :— Insertion of new section 434.

"434. A Sovereign Prince or ruling Chief may sue, and shall be sued, in the name of his State : Style of Princes and Chiefs as parties to suits.

"Provided that in giving the consent referred to in the last foregoing section the Governor General in Council or Local Government, as the case may be, may direct that any such Prince or Chief shall be sued in the name of an agent or in any other name."

41. To section 464 the following shall be prefixed, namely :— Addition to section 464. Princes and Chiefs and wards of Court.

"Nothing in this Chapter applies to a Sovereign Prince or ruling Chief suing or being sued in the name of his State or being sued, by direction of the Governor General in Council or a Local Government, in the name of an agent or in any other name, and ".

42. In section 503, clause (*d*), the words "as the Court thinks fit" shall be inserted after the words "by way of remuneration". Amendment of section 503.

43. In section 504, for the words "the Court may appoint the Collector" the words "the Court may, with the consent of the Collector, appoint him" shall be substituted. Amendment of section 504.

44. In section 539, for the words "having a direct interest" the words "having an interest" shall be substituted. Amendment of section 539.

45. To section 540 the following shall be added, namely :— Addition to section 540.

"An appeal may lie under this section from an original decree passed *ex parte*."

46. To section 549 the following shall be added, namely :— Addition to section 549.

"If such security be furnished, any costs for which a surety may have rendered himself liable may be recovered from him in execution of the decree of the Appellate Court in the same manner as if he were the appellant."

47. (*1*) For section 551 the following shall be substituted, namely :— Substitution of new section for section 551.

"551. (*1*) The Appellate Court, if it thinks fit, may, after fixing a day for hearing the appellant or his pleader and hearing him accordingly if he appears on that day, dismiss the appeal without sending notice of the appeal to the Court against whose decree the appeal is made and without serving notice on the respondent or his pleader. Power to dismiss appeal without sending notice to Lower Court.

"(*2*) If on the day fixed under sub-section (*1*) or any other day to which the hearing may be adjourned the appellant does not attend in person or by his pleader, the appeal shall be dismissed for default.

"(*3*) The dismissal of an appeal under this section shall be notified to the Court against whose decree the appeal is made."

(*2*) For the first paragraph of section 552 the following shall be substituted, namely :—

" Unless the Appellate Court dismisses the appeal under the last foregoing section, it shall fix a day for hearing the appeal."

(*3*) In section 558 the words and figures " section 551, sub-section (*2*)," shall be inserted before the word and figures " section 556 ".

Amendment of, and addition to, section 561.

48. (*1*) For the proviso to the first paragraph of section 561 the following shall be substituted, namely :—

" Provided he has filed the objection in the Appellate Court within one month from the date of the service on him or his pleader under section 553 of notice of the day fixed for hearing the appeal, or within such further time as the Appellate Court may see fit to allow."

(*2*) To the same section the following shall be added, namely :—

" Unless the respondent files with the objection a written acknowledgment from the appellant or his pleader of having received a copy thereof, the Appellate Court shall cause such a copy to be served, as soon as may be after the filing of the objection, on the appellant or his pleader, at the expense of the respondent.

" The provisions of Chapter XLIV shall, so far as they can be made applicable, apply to an objection under this section."

Amendment of section 562.

49. (*1*) In section 562 the words " so as to exclude any evidence of fact which appears to the Appellate Court essential to the determination of the rights of the parties " are hereby repealed.

(*2*) In the same section, for the word " investigate " the word " determine " shall be substituted.

Repeal of section 563.

50. Section 563 is hereby repealed.

Amendment of section 565.

51. In section 565, for the word " shall " the word " may " shall be substituted.

Amendment of section 566.

52. (*1*) In section 566 the words " and the evidence upon the record is not sufficient to enable the Appellate Court to determine such issue or question " are hereby repealed.

(*2*) In the same section, between the words " the Appellate Court may " and the words " frame issues " the words " if necessary " shall be inserted.

Amendment of section 582.

53. (*1*) In section 582, for the words " the words ' plaintiff,' ' defendant ' and ' suit ' shall be held to include an appellant, a respondent and an appeal, respectively," the following shall be substituted, namely :—

" the word ' plaintiff ' shall be held to include a plaintiff-appellant or

defendant-appellant, the word 'defendant' a plaintiff-respondent or defendant-respondent, and the word 'suit' an appeal".

(*2*) In the same section, the words and figures "including those of section 372A," shall be inserted after the words "The provisions hereinbefore contained".

54. To section 584 the following shall be added, namely :— Addition to section 584.

"An appeal may lie under this section from an appellate decree passed *ex parte.*"

55. (*1*) In section 588, clause (9), for the word "or" the word "for" shall be substituted. Amendment of section 588.

(*2*) In the same section, clause (16), for the words "the first paragraph of" the words "and orders under" shall be substituted.

56. The first paragraph of section 589, and the word "other" in the second paragraph of that section, are hereby repealed. Repeal of part of section 589.

57. Section 599, and in section 601 the words "within thirty days from the date of the order", are hereby repealed. Repeal of section 599 and part of section 601.

58 After the second paragraph of section 610 the following shall be inserted, namely :— Addition to section 610.

"In so far as the order awards costs to the respondent, it may be executed against a surety therefor, to the extent to which he has rendered himself liable, in the same manner as it may be executed against the appellant:

"Provided that such notice in writing as the Court in each case thinks sufficient has been given to the surety."

59. To section 626 the following proviso shall be added, namely :— Addition to section 626.

"and

"(*c*) an application made under section 624 to the Judge who delivered the judgment may, if that Judge has ordered notice to issue under proviso (*a*) to this section, be disposed of by his successor."

60. After section 646 the following shall be inserted, namely :— Addition of new sections after section 646.

"646A. (*1*) If at any time before judgment a Court in which a suit has been instituted doubts whether the suit is cognizable by a Court of Small Causes or is not so cognizable, it may submit the record to the High Court with a statement of its reasons for the doubt as to the nature of the suit. Power to refer to High Court questions as to jurisdiction in small causes.

"(*2*) On receiving the record and statement the High Court may order the Court either to proceed with the suit or to return the plaint for presentation in such other Court as it may in its order declare to be competent to take cognizance of the suit.

Power to District Court to submit for revision proceedings had under mistake as to jurisdiction in small causes.

"646B. (*1*) If it appears to a District Court that a Court subordinate thereto has, by reason of erroneously holding a suit to be cognizable by a Court of Small Causes or not to be so cognizable, failed to exercise a jurisdiction vested in it by law, or exercised a jurisdiction not so vested, the District Court may, and, if required by a party, shall, submit the record to the High Court with a statement of its reasons for considering the opinion of the subordinate Court with respect to the nature of the suit to be erroneous.

"(*2*) On receiving the record and statement, the High Court may pass such order in the case as it thinks fit.

"(*3*) With respect to any proceeding subsequent to decree in any case submitted to the High Court under this section, the High Court may make such order as in the circumstances appears to it to be just and proper.

"(*4*) A Court subordinate to a District Court shall comply with any requisition which the District Court may make for any record or information for the purposes of this section."

Amendment of, and addition to, section 648.

61. (*1*) For the third paragraph of section 648 the following shall be substituted:—

"and the Court making an arrest under this section shall send the person arrested to the Court by which the warrant of arrest was issued, unless he shows cause to the satisfaction of the former Court why he should not be sent to the latter Court, or unless he furnishes sufficient security for his appearance before the latter Court or (where the case is one under Chapter XXXIV) for satisfying any decree that may be passed against him by that Court, in either of which cases the Court making the arrest shall release him."

(*2*) To section 648 the following shall be added, namely:—

"Where a person to be arrested or moveable property to be attached under this section is within the local limits of the ordinary original civil jurisdiction of the High Court of Judicature at Fort William in Bengal or at Madras or Bombay, or of the Court of the Recorder of Rangoon, the copy of the warrant of arrest or of the order of attachment, and the probable amount of the costs of the arrest or attachment, shall be sent to the Court of Small Causes of Calcutta, Madras, Bombay or Rangoon, as the case may be, and that Court, on receipt of the copy and amount, shall proceed as if it were the District Court."

Amendment of section 650A.

62. In section 650A, the words "or continued" shall be inserted after the word "established".

Addition to section 652.

63. To section 652 the following shall be added, namely:—

"A High Court not established under the Statute 24 & 25 Victoria, Chapter 104 (*an Act for establishing High Courts of Judicature in India*), may,

from time to time, with the previous sanction of the Local Government, make, with respect to any matter other than procedure, any rule which any High Court so established might under section 15 of that Statute make with respect to any such matter for any part of the territories under its jurisdiction which is not included within the limits of a presidency-town. Rules so made shall be published in the same manner, and shall thereupon have the same force, as rules made and published under this section for the regulation of matters connected with procedure."

Amendment of form No. 137, Schedule IV.

64. In form No. 137 of the fourth schedule the words "bound by the decree" shall be inserted after the words "remove any person".

III of 1877. VII of 1886

Amendment of the Indian Registration Act, 1877.

65. (*1*) After clause (*n*) of section 17 of the Indian Registration Act, 1877, as amended by the Indian Registration Act, 1886, the following clause shall be added, namely :—

"(*o*) a certificate of sale granted to the purchaser of any property sold by public auction by a Civil or Revenue officer."

(*2*) In the second paragraph of section 50 of the same Act, for the word and letter "and (*n*)" the letters and word "(*n*) and (*o*)" shall be substituted.

III of 1877

(*3*) The Indian Registration Act, 1877, shall be construed as if the amendments made in it by this section had been made therein by Act XII of 1879, (*an Act to amend the Code of Civil Procedure, the Registration Act, 1877, and the Limitation Act, 1877*) :

Provided that nothing in this sub-section shall be deemed to affect a decree or order made by any Court before the commencement of this Act.

XV of 1877

Amendment of the Indian Limitation Act, 1877.

66. (*1*) No. 161 of the second schedule to the Indian Limitation Act, 1877, shall be transposed and become No. 173A, and the entry against it in the second column of that schedule shall be "Ditto", signifying ninety days.

(*2*) Nos. 171, 171A and 171B of the same schedule are hereby repealed.

(*3*) For No. 171C of the same schedule the following shall be substituted, namely :—

	Description of Application.	Period of Limitation.	Time from which period begins to run
	*	*	*
XIV of 1882.	"171. Under section 371 of the Code of Civil Procedure, or under that section and section 582 of the same Code, for an order to set aside an order for abatement or dismissal.	Sixty days	The date of the order for abatement or dismissal."

(*4*) After No. 175 of the same schedule the following shall be inserted, namely :—

Description of Application.	Period of Limitation.	Time from which period begins to run.
*	*	*
"175A. Under section 365 of the Code of Civil Procedure by the legal representative of a deceased plaintiff, or under that section and section 582 of the same Code by the legal representative of a deceased plaintiff-appellant or defendant-appellant.	Six months .	The date of the death of the deceased plaintiff or of the deceased plaintiff-appellant or defendant-appellant.
"175B. Under section 366 of the Code of Civil Procedure by a defendant, or under that section and section 582 of the same Code by a plaintiff-respondent or defendant-respondent.	Ditto .	The date of the death of the deceased plaintiff or of the deceased defendant-appellant or plaintiff-appellant.
"175C. Under section 368 of the Code of Civil Procedure to have the legal representative of a deceased defendant made a defendant, or under that section and section 582 of the same Code to have the legal representative of a deceased plaintiff-respondent or defendant-respondent made a plaintiff-respondent or defendant-respondent.	Ditto .	The date of the death of the deceased defendant or of the deceased plaintiff-respondent or defendant-respondent."

ACT No. VIII OF 1888.[a]

Received the Governor General's assent on the 5th September, 1888.

An Act to remove doubts as to the legality of the levy of certain Tolls.

WHEREAS doubts have been raised as to the operation of the Acts of the Governor General in Council, No. VIII of 1851 (*an Act for enabling Government to levy Tolls on Public Roads and Bridges*) and No. XV of 1864 (*an Act to amend Act VIII of 1851*); It is hereby enacted as follows:—

Enforcement of Acts VIII of 1851 and XV of 1864.

1. Acts VIII of 1851 and XV of 1864 shall be deemed to be in force throughout the territories now administered by the Lieutenant-Governor of the Punjab, and, from the twenty-first day of August, 1857, and the twenty-fourth

[a] This Act has been declared in force in Upper Burma (except the Shan States) under s. 5 of the Scheduled Districts Act, 1874—see Burma Gazette, 27th October, 1888, Pt. I, p. 497, and Gazette of India, 27th *idem*, Pt. I, p. 478.

day of March, 1864, respectively, to have been in force in the territories for the time being administered as part of the Punjab. in the Punjab.

2. (*1*) In any part of British India beyond the limits of the territories administered by the Governor of Fort St. George in Council, and the Lieutenant-Governors of Bengal and the North-Western Provinces, to or in which Acts VIII of 1851 and XV of 1864 may be or have been extended, or may be or have been declared to be in force, under the latter of those Acts or by this Act or by or under any other enactment, the Local Government shall be deemed to have and, where the Acts have been in force before the passing of this Act, to have had the same authority as if it had been included among the Local Governments specified in section 2 of Act VIII of 1851. Operation of the Act in the Punjab and certain other parts of British India.

(*2*) "Presidency", where that word occurs in section 8 of Act VIII of 1851, shall be deemed to mean, and to have meant, the territories under the administration of a Local Government.

3. All tolls levied, or purporting to have been levied, under Acts VIII of 1851 and XV of 1864, or either of those Acts, before the passing of this Act, shall be deemed to have been lawfully levied. Validation of past levy of tolls.

4. Nothing in the foregoing sections shall affect any proceedings commenced in any Civil Court before the first day of July, 1888. Saving.

5. In section 2 of Act VIII of 1851 the words "and the Governor of the Presidency of Bombay in Council" are hereby repealed, and the word "and" shall be inserted between the words "the Lieutenant-Governor of the North-Western Provinces of Bengal" and the words "the Governor of the Presidency of Fort St. George in Council". Amendment of section 2, Act VIII, 1851.

ACT No. X OF 1888.[a]

Received the Governor General's assent on the 20th September, 1888.

An Act to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882.

XIV of 1882. XV of 1882. WHEREAS it is expedient to amend the Code of Civil Procedure and the Presidency Small Cause Courts Act, 1882; It is hereby enacted as follows:—

XIV of 1882. 1. For the second schedule to the Code of Civil Procedure there shall be substituted the schedule in the first schedule to this Act. Revision of the second schedule to Act XIV of 1882.

[a] Ss. 1 and 3 of this Act have been extended to the Province of Sind under s. 5 of the Scheduled Districts Act, 1874—see Bombay Gazette, 14th February, 1889, Pt. I, p. 112, and Gazette of India, 16th *idem*, Pt I, p. 89.

Amendment of Act XV of 1882.

2. (*1*) To section 23 of the Presidency Small Cause Courts Act, 1882, the following shall be added, namely:—"Subject to such control, the Court may modify or cancel any notification under this section as occasion may appear to it to require." XV of 1882.

(*2*) For the second schedule to the same Act there shall be substituted the schedule in the second schedule to this Act.

(*3*) Any declaration which has been notified under the proviso to section 23 of the Presidency Small Cause Courts Act, 1882, before the day on which this Act is passed, and which was in force immediately before that day, shall, subject to the powers of the Court under that section, be construed, so far as may be, as referring to the schedule which has been substituted by the last foregoing sub-section for the second schedule to that Act.

Addition to section 589, Act XIV of 1882.

3. To section 589 of the Code of Civil Procedure the following shall be added, namely:— XIV of 1882.

"Provided that an appeal from an order specified in section 588, clause (17), shall lie—

(*a*) to the District Court where the order was passed by a Court subordinate to that Court, and

(*b*) to the High Court in any other case."

Repeal.

(*4*) Act VIII of 1880 (*an Act to correct a clerical error in the Indian Limitation Act, 1877*) and section 26 of the Provincial Small Cause Courts Act, 1887, are hereby repealed. XV of 1877. IX of 1887.

THE FIRST SCHEDULE TO THIS ACT.

THE SECOND SCHEDULE TO THE CODE OF CIVIL PROCEDURE.

(*See section 5.*)

CHAPTERS AND SECTIONS OF THIS CODE EXTENDING TO PROVINCIAL COURTS OF SMALL CAUSES.

PRELIMINARY: Sections 1, 2, 3 and 5.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11 and the last paragraph of section 14.

CHAPTER II.—Of the Place of Suing, except section 20, paragraph 4, and sections 22 to 24 (both inclusive).

CHAPTER III.—Of Parties and their Appearances, Applications and Acts.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

(*The First Schedule to this Act.—The Second Schedule to the Code of Civil Procedure.*)

CHAPTER V.—Of the Institution of Suits.

CHAPTER VI.—Of the Issue and Service of Summons, except section 77.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Of Discovery and the Admission, &c., of Documents.

CHAPTER XII.—Section 155, first paragraph, Judgment where either party fails to produce his evidence.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 188 (both inclusive).

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 204, 207, 211, 212, 213, 214 and 215.

CHAPTER XVIII.—Of Costs, sections 220, 221 and 222.

CHAPTER XIX.—Of the Execution of Decrees, sections 223 to 236 (both inclusive), 239 to 258 (both inclusive), 259 (except so far as relates to the recovery of wives), 266 (except so far as relates to immoveable property), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 283 (both inclusive), 284 (so far as relates to moveable property,) 285, 286, 287, 288, 289, 290 (so far as relates to moveable property), 291, 292, 293 (so far as relates to re-sales under 297), 294 to 303 (both inclusive), 328 to 333 (both inclusive, so far as relates to moveable property), 336 to 343 (both inclusive).

CHAPTER XX.—Section 360, Power to invest certain Courts with Insolvency-jurisdiction.

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

(*The First Schedule to this Act.—The Second Schedule to the Code of Civil Procedure. The Second Schedule to this Act.—The Second Schedule to the Presidency Small Cause Courts Act, 1882*)

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVI.—Suits by Paupers.

CHAPTER XXVII.—Suits by and against Government or Government Servants.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers.

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards Immoveable Property.

CHAPTER XXXVI.—Appointment of Receivers.

CHAPTER XXXVII.—Reference to Arbitration.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties.

CHAPTER XLVI.—Reference to and Revision by High Court.

CHAPTER XLVII.—Of Review of Judgment, sections 623, 626 and 630.

CHAPTER XLIX.—Miscellaneous.

THE SECOND SCHEDULE TO THIS ACT.

THE SECOND SCHEDULE TO THE PRESIDENCY SMALL CAUSE COURTS ACT, 1882.

(*See section 23.*)

PORTIONS OF CIVIL PROCEDURE CODE EXTENDING TO COURT.

PRELIMINARY: Section 2, Interpretation-clause.

CHAPTER I.—Of the Jurisdiction of the Courts and *Res Judicata*, except section 11.

CHAPTER II.—Of the Place of Suing, except sections 15 to 19 (both inclusive), section 20, paragraph 4, sections 22, 23 and 24, and section 25, paragraphs 2 and 3.

(*The Second Schedule to this Act.—The Second Schedule to the Presidency Small Cause Courts Act, 1882.*)

CHAPTER III.—Of Parties and their Appearances, Applications and Acts except section 37, clause (*b*), and the last paragraph.

CHAPTER IV.—Of the Frame of the Suit, except section 42 and section 44, rule *a*.

CHAPTER V.—Of the Institution of Suits, except section 53, clause (*b*), sub-clause (iv), section 55, section 57, clause (*b*), and sections 58 and 62.

CHAPTER VI.—Of the Issue and Service of Summons, except, in section 64, the words "and the copies or concise statements required by section 58 have been filed," and sections 65 and 66.

CHAPTER VII.—Of the Appearance of the Parties and Consequence of Non-appearance.

CHAPTER VIII.—Of Written Statements and Set-off, except sections 110 112 and 113.

CHAPTER IX.—Of the Examination of the Parties by the Court, except section 119.

CHAPTER X.—Sending for Records and Production, &c., of Documents, sections 137 (except paragraph 2), 138, 140 (except the proviso and the last six words), 141, 141A, 142, 142A, sub-section (*1*), 143 and 145.

CHAPTER XI.—Settlement of Issues, sections 150 and 151.

CHAPTER XII.—Disposal of the Suit at the first Hearing, except sections 154 and 155.

CHAPTER XIII.—Of Adjournments.

CHAPTER XIV.—Of the Summoning and Attendance of Witnesses, except sections 168, 169, 170 and 175.

CHAPTER XV.—Of the Hearing of the Suit and Examination of Witnesses, except sections 182 to 191 (both inclusive) and the second paragraph of section 193.

CHAPTER XVI.—Of Affidavits.

CHAPTER XVII.—Of Judgment and Decree, except sections 200, 201, 202, 204, 207 and 211 to 215 (both inclusive).

CHAPTER XVIII.—Of Costs.

The Second Schedule to this Act.—The Second Schedule to the Presidency Small Cause Courts Act, 1882.)

CHAPTER XIX.—Of the Execution of Decrees, sections 229, 229A and 229B, section 230, first two clauses, sections 231 to 236 (both inclusive), 243 to 259 (both inclusive), 266 (so far as relates to the attachment of moveable property or decrees therefor), 267 to 272 (both inclusive), 273 (so far as relates to decrees for moveable property), 275 to 303 (both inclusive), 328 to 333 (both inclusive), 336 (except the last three clauses), and 337 to 343 (both inclusive).

CHAPTER XXI.—Of the Death, Marriage and Insolvency of Parties.

CHAPTER XXII.—Of the Withdrawal and Adjustment of Suits.

CHAPTER XXIII.—Of Payment into Court.

CHAPTER XXIV.—Of requiring Security for Costs.

CHAPTER XXV.—Of Commissions, except section 396.

CHAPTER XXVII.—Suits by or against Government or Public Officers.

CHAPTER XXVIII.—Suits by Aliens and by and against Foreign and Native Rulers, except section 433, sub-sections (*1*), (*2*), (*4*) and (*5*).

CHAPTER XXIX.—Suits by and against Corporations and Companies.

CHAPTER XXX.—Suits by and against Trustees, Executors and Administrators.

CHAPTER XXXI.—Suits by and against Minors and Persons of Unsound Mind.

CHAPTER XXXII.—Suits by and against Military Men.

CHAPTER XXXIII.—Interpleader.

CHAPTER XXXIV.—Of Arrest and Attachment before Judgment, except as regards the attachment of Immoveable Property.

CHAPTER XXXV.—Interlocutory Orders, sections 498, 499, 500 and 502.

CHAPTER XXXVI.—Appointment of Receivers, section 503.

CHAPTER XXXVII.—Reference to Arbitration, except the provisions of section 522 as to appeals.

CHAPTER XXXVIII.—Of Proceedings on Agreement of Parties, except so much of section 527, clause (*b*), as relates to immoveable property.

CHAPTER XLVI.—Of Reference to and Revision by High Court.

CHAPTER XLIX.—Miscellaneous.

ACT No. XI OF 1888.

Received the Governor General's assent on the 5th October, 1888.

An Act to make an addition to the Indian Telegraph Act, 1885.

WHEREAS it is expedient to make an addition to the Indian Telegraph Act, 1885; It is hereby enacted as follows :—

XIII of 1885.

1. The following section shall be added to that Act, namely :— Addition of section to Act XIII of 1885.

(*Vide supra*, p. 21.)

ACT No. XVII OF 1888.

Received the Governor General's assent on the 26th October, 1888.

An Act to amend the Indian Marine Act, 1887.

XIV of 1887.

WHEREAS it is expedient to amend the Indian Marine Act, 1887; It is hereby enacted as follows :—

1. For sub-section (*2*) of section 2 of the Indian Marine Act, 1887, the following shall be substituted, namely :— Amendment of section 2, Act XIV of 1887.

(*Vide supra*, p. 165.)

APPENDIX.

CHRONOLOGICAL TABLE OF ACTS OF THE GOVERNOR GENERAL IN COUNCIL.

1834–1885.

[NOTE.—(*a*) Where an Act has been repealed in part, and the residue has been subsequently repealed, the latter repeal only has, as a rule, been noted.
(*b*) In the case of (*1*) Acts which have been wholly repealed or are spent, and (*2*) Acts which apply to the Straits Settlements only, and are therefore not in force within the present limits of British India, the entries in the third and fourth columns are printed in italics.]

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1834	I	*Governor General* . .	*Rep., VIII of 1868.*
	II	Secretaries to Government .	Printed, General Acts.
1835	I	*Governor of Madras* . .	*Rep., VIII of 1868.*
	II	Assam, *Arracan, Tenasserim*	Rep., (as to Arracan and Tenasserim,) XII of 1862. Rep., in part (Assam,) Reg. I of 1886. Printed, Assam Supplement to Bengal Code.
	III	*Claims under certain Regulations.*	*Rep., VIII of 1868.*
	IV	*Justices of the Peace, Calcutta*	*Rep., VIII of 1868.*
	V	*District Munsifs, Madras* .	*Rep., VIII of 1868.*
	VI	*Khási Hills* and Cachar	Rep., (as to Khási Hills), XXII of 1869. Rep., in part, (Assam,) Reg. I of 1886. Printed, Assam Supplement to Bengal Code.
	VII	*Sessions Judges* . . .	*Rep., VIII of 1868.*
	VIII	*Sales in Satisfaction of Decrees for Rent.*	*Rep., XVI of 1874.*
	IX	*Salt Chaukis, Bengal* . .	*Rep., XII of 1876.*
	X	*Proof of Acts of Governor General in Council.*	*Rep., II of 1855.*

Year.	Number.	Subject or short title	Repeals, amendments and references
1835	XI	*Printing-presses* . . .	*Rep., XXV of 1867.*
	XII	*Repealing Madras Regulations IV, 1829, and IV, 1830.*	*Rep., VIII of 1868.*
	XIII	*S. F. Adálat, Bombay* . .	*Rep., XVII of 1862.*
	XIV	*Magistrates, Bombay* . .	*Rep., VIII of 1868.*
	XV	*Evidence · Contempt: Perjury · Madras.*	*Rep., XVII of 1862.*
	XVI	*Partial repeal of Bengal Regulation V, 1830, section 2.*	*Rep., VIII of 1868.*
	XVII	*Silver and Gold Coinage* .	*Rep., XXIII of 1870.*
	XVIII	*Chaprásis*	*Rep., XVII of 1862.*
	XIX	Assistant to Agent for Sardárs in Dekkhan.	Printed, Bombay Code.
	XX	*Police, Bombay* . . .	*Rep., XVII of 1862.*
	XXI	*Copper Coinage* . . .	*Rep., XIII of 1862.*
1836	I	*Light-house Funds, Cambay* .	*Rep., XVII of 1858.*
	II	*Customs-duties, Bombay* .	*Rep., VIII of 1868.*
	III	*Cattle-duty, Salsette* . .	*Rep., VIII of 1868.*
	IV	*Insolvent Debtors.* . .	*Rep., VIII of 1868.*
	V	*Enforcement of Decrees, Bengal.*	*Rep., VIII of 1868.*
	VI	*Prisoners under Mad. Reg. III, 1802, s 22.*	*Rep., XVII of 1862.*
	VII	Municipal Taxes, Bombay	Rep., VIII of 1868, except as regards duties leviable on salt or opium. Amended (as to references), I of 1878. Printed, Bombay Code.
	VIII	*Principal Sadr Amins, &c., Bengal.*	*Rep., XII of 1873.*
	IX	*Oaths*	*Rep., X of 1873.*
	X	Indigo Contracts, Lower Provinces and N.-W. Provinces	Rep, in part, VIII of 1868; XIV of 1870; XVI of 1874. Printed, Bengal Code. N.-W. Provinces Code.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1836	XI	*Non-exemption from jurisdiction of certain Courts.*	*Rep., VIII of 1868.*
	XII	*Decrees of Nawáb of Farakábád.*	*Rep., XIII of 1860.*
	XIII	*Sicca Rupees : Pice*	*Rep., VIII of 1868.*
	XIV	*Customs-duties, Bengal.*	*Rep., XIII of 1871.*
	XV	*Sabáthu*	*Rep., XXXII of 1850.*
	XVI	*Vakil in Addl. Govt. Commissioner's Office, Madras.*	*Rep., VIII of 1868.*
	XVII	*Begam Samrú*	*Rep., VIII of 1868.*
	XVIII	*Bhor Ghát Toll*	*Rep., II of 1837.*
	XIX	*Bank of Bengal*	*Rep., VIII of 1868.*
	XX	Batwáras, Bengal	Rep., (Bengal,) Ben. Act VIII of 1876. Rep., (Assam,) Reg. I of 1886. Not reprinted.
	XXI	Zilas, Bengal and N.-W. Provinces.	Rep., in part, XVI of 1874. Rep. (Assam), Reg. I of 1886. Rep. (Punjab), Act XVII of 1887. Printed, Bengal Code ; N.-W. Provinces Code.
	XXII	*Eastern Canal Tolls, Lower Provinces.*	*Rep., XII of 1873.*
	XXIII	*Gumsúr and Suráda Zamindáris.*	*Rep., XXIV of 1839.*
	XXIV	*Judicial Officers, Madras and Bombay.*	*Rep., VIII of 1868.*
	XXV	*Warehousing Ports*	*Rep., XII of 1873.*
	XXVI	Governor General's Camp Police.	Rep., in part, XVI of 1874. Printed, General Act.
	XXVII	*Vakils, Madras*	*Rep., XI of 1864.*
	XXVIII	*Municipal Assessments, Madras*	*Rep., XXVI of 1856.*
	XXIX	*Sadr Amins, Madras*	*Rep., VIII of 1868.*
	XXX	*Thugs*	*Rep., XVII of 1862.*
	XXXI	*Government Grants, Madras*	*Rep., XXIII of 1871.*
	XXXII	*Import and Export of Sugar*	*Rep., XIX of 1854.*

BENGAL SECRETARIAT LIBRARY.

Year	Number.	Subject or short title	Repeals, amendments and references
1837	I	*Justices of the Peace, Calcutta*	*Rep., VIII of 1868.*
	II	*Bhor Ghât Tolls, Bombay* .	*Rep., VIII of 1851.*
	III	*Transfer of Suits, Bengal* . .	*Rep , XVI of 1874.*
	IV	Property in Land . .	Rep , in part, XVI of 1874. Printed, General Acts.
	V	*Native Emigrants* . .	*Rep., XIV of 1839.*
	VI	Málguzárs, Cuttack .	Rep., in part, XIV of 1870, XVI of 1874. Printed, Bengal Code.
	VII	*Charter Courts: Pardons* .	*Rep , V of 1871.*
	VIII	*Anjengo and Changancherry, Madras.*	*Rep., III of 1838.*
	IX	*Succession to Pársis' Immoveable Property.*	*Rep., VIII of 1868.*
	X	*Claims to Lands, Straits Settlements*	*Not in force in British India.*
	XI	*Repealing Bom. Reg. I, 1820, in part.*	*Rep., VIII of 1868.*
	XII	*Incombustible Roofs, Calcutta*	*Rep., XIV of 1856.*
	XIII	*Courts-martial* . . .	*Rep., VIII of 1868.*
	XIV	*Foreign Bottoms* . . .	*Rep., VIII of 1868*
	XV	*Chaukidári Assessment* .	*Rep., XX of 1856.*
	XVI	*Customs*	*Rep., XII of 1873.*
	XVII	*Post-office*	*Rep , XVII of 1854.*
	XVIII	*Thugs*	*Rep., XVII of 1862.*
	XIX	*Competence of Witnesses* .	*Rep., VIII of 1868.*
	XX	*Immoveable Property, Straits Settlements.*	*Not in force in British India.*
	XXI	*Office Oaths and Declarations*	*Rep., X of 1873.*
	XXII	*Revenue-offences, Madras Collectorate.*	*Rep., XVI of 1874.*
	XXIII	*Principal Sadr Amins, Madras*	*Rep , XVII of 1862.*
	XXIV	*Police, Bengal* . . .	*Rep., VIII of 1868.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1837	XXV	*Judiciary System, Bengal* .	*Rep., XII of 1873.*
	XXVI	*Governor General* . .	*Rep., VIII of 1868.*
	XXVII	*Salt-duties, Bombay* . .	*Rep., Bom. Act VII of 1873.*
	XXVIII	*Repeals Bengal Regulation X, 1829, in part.*	*Rep., VIII of 1868.*
	XXIX	*Language of Judicial and Revenue Proceedings.*	*Rep., XVI of 1874.*
	XXX	*Police Amins, Madras* . .	*Rep., XVII of 1862.*
	XXXI	*Coinage*	*Rep., XIII of 1862.*
	XXXII	*Emigration*	*Rep., XIV of 1839.*
	XXXIII	*Heads of District Police, Madras.*	*Rep., XVII of 1862.*
	XXXIV	*Judiciary System, Madras* .	*Rep., VIII of 1868.*
	XXXV	*Decrees, Madras* . . .	*Rep., X of 1861.*
	XXXVI	Criminal Jurisdiction, Madras	Rep., in part, XIV of 1870; XVI of 1874. Printed, Madras Code.
	XXXVII	*Political Offences, Bombay* .	*Rep., XVII of 1862.*
	XXXVIII	*Local Agent, Bengal Regulation XIX, 1810.*	*Rep., VIII of 1868.*
1838	I	*Customs, Bombay* . .	*Rep., I of 1852.*
	II	*Salt, N.-W. P.* . . .	*Rep., XIV of 1843.*
	III	*Joint Criminal Judge, Cochin*	*Rep., XVII of 1862.*
	IV	*Perjury, Sadr Diwani Adálat, Bombay.*	*Rep., VIII of 1868.*
	V	Bengal Bonded Warehouse	Rep., in part, V of 1854. Not reprinted.
	VI	*Enquiries into charges against Public Servants, Bombay.*	*Rep., XXXVII of 1850.*
	VII	*Zila Judges, Bengal* . .	*Rep., XVI of 1874.*
	VIII	*Bhor Ghát Tolls* . . .	*Rep., VIII of 1851.*
	IX	*Fines, Bombay* . . .	*Rep., XVII of 1862.*
	X	*Kumaon*	*Rep., XV of 1874.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1838	XI	Remuneration of Amins effecting Partitions, Bengal and North-Western Provinces.	Rep., in part, XIV of 1870. Rep. (N.-W. P.), XIX of 1863. Rep. (Bengal), Ben. Act VIII of 1876. Rep. (Assam), Reg. I of 1886. Not reprinted.
	XII	*Hidden Treasure, Madras* .	*Rep., VI of 1878.*
	XIII	*Power to extend Bengal Regulation XII of 1833.*	*Rep., I of 1846.*
	XIV	*Gánja and Bhang, Madras* .	*Rep., VIII of 1868.*
	XV	*Repeal of Bombay Regulation XII, 1827, in part.*	*Rep., VIII of 1868.*
	XVI	Suits, Bombay . .	Rep., in part, XIV of 1870; XVI of 1874; X of 1876; Bom. Act II of 1866; Bom. Act III of 1876. Printed, Bombay Code.
	XVII	*Appeals from Munsifs, Madras.*	*Rep., X of 1861.*
	XVIII	Sureties, Bombay . .	Rep., in part, XVI of 1874. Residue rep. (locally, Bom. Act V of 1879). Not reprinted.
	XIX	Coasting Vessels, Bombay	Rep., in part, XIV of 1870; XVI of 1874; XII of 1876. Printed, Bombay Code.
	XX	*Post-office*	*Rep., XVII of 1864.*
	XXI	*Silver Coinage* . . .	*Rep., XIII of 1862.*
	XXII	*Appeals from Munsifs, Bengal.*	*Rep., XVI of 1874.*
	XXIII	*Repeal of Madras Regulation IV, 1821, in part.*	*Rep., XXIII of 1871.*
	XXIV	*Bank of Bengal* . . .	*Rep., VIII of 1868.*
	XXV	Wills made between 1st February, 1839, and 1st January, 1866.	Rep. (except as to certain Wills), VIII of 1868. Printed, General Acts.
	XXVI	*Principal Sadr Amins, Madras.*	*Rep., XVII of 1862.*
	XXVII	*Judiciary, Bengal* . .	*Rep., X of 1861.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1838	XXVIII	*Perjury, Supreme Courts*	*Rep. (except as to the Straits), VIII of 1868.* *Not in force in British India.*
	XXIX	*Salt, Bengal* . . .	*Rep., XII of 1876.*
	XXX	*Registry of Deeds, Bengal* .	*Rep., XVI of 1864.*
	XXXI	*Criminal Law: Supreme Courts.*	*Rep., X of 1875.*
	XXXII	*Justices of the Peace, Bengal* .	*Rep., XII of 1873.*
1839	I	*Sale of Distresses, Bengal* .	*Rep., X of 1859.*
	II	*Fines by Magistrates* . .	*Rep., XVII of 1862.*
	III	*Revenue Courts and Munsifs* .	*Rep., VIII of 1868.*
	IV	*Theft of Trees, &c., Straits Settlements.*	*Not in force in British India.*
	V	*Search-warrants, Straits Settlements.*	*Rep., XIV of 1851.*
	VI	*Bank of Bengal*	*Rep., IV of 1862.*
	VII	Tahsildárs, Madras .	Rep., in part, XIV of 1870; XII of 1873. Printed, Madras Code.
	VIII	*Jágir of Chinchni, Bombay* .	*Rep., XV of 1874.*
	IX	*Pauper Suits, Bengal* . .	*Rep., XVI of 1874.*
	X	*War against Allied State Straits Settlements.*	*Not in force in British India.*
	XI	*Appeals to Queen in Council* .	*Rep., VIII of 1868.*
	XII	*Assessments and Taxes, Straits Settlements.*	*Rep., IX of 1848.*
	XIII	*Port-dues, Madras* . .	*Rep., XII of 1875.*
	XIV	*Emigration* . . .	*Rep., XIII of 1864.*
	XV	*Importation of Foreign Sugar, Madras.*	*Rep., XIX of 1854.*
	XVI	*Government Rents, Straits Settlements.*	*Not in force in British India.*
	XVII	*Post-office*	*Rep., XVII of 1854.*
	XVIII	*Thugs*	*Rep., XVII of 1862.*

Year.	Number.	Subject or short title	Repeals, amendments and references.
1839	XIX	*Sentences of Imprisonment, Bombay.*	*Rep., XVII of 1862.*
	XX	Levy of Hakks, Bombay	Rep., in part, XVI of 1874. Printed, Bombay Code.
	XXI	*Petty Offences, Calcutta* .	*Rep., XIII of 1856.*
	XXII	*Prisoners' Counsel, &c., Supreme Courts.*	*Rep., X of 1875.*
	XXIII	*Courts-martial* . . .	*Rep., XXIX of 1861.*
	XXIV	Ganjam and Vizagapatam	Rep., in part, XIV of 1870; XVI of 1874; Mad. Act I of 1865. Printed, Madras Code.
	XXV	*Powers of Collectors, Bombay.*	*Rep., VIII of 1868.*
	XXVI	*Public Officers, Bengal* .	*Rep., XXXVII of 1850.*
	XXVII	Execution of Decrees of Judge of 24-Pergunnahs.	Printed, Bengal Code.
	XXVIII	*Buildings in Bombay and Colába.*	*Rep., VI of 1857.*
	XXIX	Dower	Rep. (except as to certain marriages), VIII of 1868. Printed, General Acts.
	XXX	Inheritance . . .	Rep. (except as to certain descents), VIII of 1868. Printed, General Acts.
	XXXI	*Injuries to the Coin* . .	*Rep., VIII of 1868.*
	XXXII	Interest	Printed, General Acts.
1840	I	*Faujdári Adálat, Madras* .	*Rep., XVII of 1862.*
	II	*Courts-martial* . . .	*Rep., XXIX of 1861.*
	III	*Bank of Bombay* . . .	*Rep., Bom. Act X of 1863.*
	IV	*Affrays, Bengal* . . .	*Rep., XVII of 1862.*
	V	*Oaths*	*Rep., X of 1873.*
	VI	*Bills of Exchange* . .	*Rep., XXVI of 1881.*
	VII	*Deputy and Assistant Registrars to Sadr Courts, Bengal*	*Rep., VIII of 1868.*
	VIII	Pancháyats, Madras . .	Printed, Madras Code.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1840	IX	*Arbitrations, Damages. Witnesses : Supreme Courts.*	*Rep., X of 1877.*
	X	Temple of Jaganath	Rep., in part, VIII of 1868; XVI of 1874; XIV of 1882, s. 539. Not reprinted.
	XI	*Criminal Law, Bombay* .	*Rep., Bom. Act IV of 1865.*
	XII	*Extending Act XII of 1839, Strait Settlements.*	*Rep., IX of 1848.*
	XIII	*Factors*	*Rep., IX of 1872.*
	XIV	*Extending 9 Geo. IV, c. 14* .	*Rep., IX of 1872.*
	XV	Agents of Foreign Sovereigns, Bombay.	Rep., in part, XVI of 1874. Printed, Bombay Code.
	XVI	*Transported Convicts* . .	*Rep., V of 1871.*
	XVII	Salt Laws, Madras .	Rep , in part, XVI of 1874. Amended, VII of 1852; Mad. Act II of 1878. Rep. (locally,) Mad. Act VI of 1871; Mad. Act I of 1882. Not reprinted.
	XVIII	*Licenses for Sale of Liquor, Bombay.*	*Rep., XIII of 1856.*
	XIX	*Appeals by Paupers* . .	*Rep., XVI of 1874.*
	XX	*Revenue-sales* . . .	*Rep., VIII of 1868.*
	XXI	*Suits under Ben. Reg. XLIX of 1793.*	*Rep., VIII of 1868.*
	XXII	*Vagrants, Presidency-towns* .	*Rep., XIII of 1856.*
	XXIII	*Execution in Presidency-towns of Mufassal Process.*	*Rep., in part, X of 1877. Rep., X of 1882.*
	XXIV	*Municipal Rates, Calcutta* .	*Rep., XVI of 1847.*
	XXV	*Abkári, Bengal* . . .	*Rep., XXI of 1856.*
1841	I	*Páttidári Estates, Bengal* .	*Rep., XVI of 1874.*
	II	*Gánja and Bhang, Bombay* .	*Rep., XXXIV of 1857.*
	III	*Petty Offences, Bombay Town*	*Rep., XIII of 1856.*
	IV	*Public Conveyances, Bombay Town.*	*Rep., Bom Act VI of 1863, s. 33.*
	V	*Trials for State Offences* .	*Rep., X of 1872.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1841	VI	*Import of Rum, Bengal* .	*Rep., VI of 1863.*
	VII	*Evidence*	*Rep., XVI of 1874.*
	VIII	*Interpleader* . . .	*Rep., X of 1877.*
	IX	*Ábkári, Bengal* . . .	*Rep., XXI of 1856.*
	X	Registration of Ships .	Rep., in part, XI of 1850. XVI of 1874. Amended, XI of 1850; V of 1883, s. 38. Printed, General Acts.
	XI	*Military Courts of Requests* .	*Rep., VIII of 1887.*
	XII	Sales of Land for Revenue-arrears.	Rep., in part, I of 1845; XIV of 1870; XVI of 1874. Rep. (N.-W. P.), XIX of 1873; (C. P.), XVIII of 1881; (Assam), Reg. I of 1886. Printed, Bengal Code.
	XIII	*Explaining Act XXV of 1836*	*Rep., XII of 1873.*
	XIV	*Markets, Bombay Town* .	*Rep., XIV of 1856.*
	XV	*Repealing Bengal Regulation IX, 1819, s. 7.*	*Rep., VIII of 1868.*
	XVI	*Oaths of Justices of the Peace*	*Rep., II of 1869.*
	XVII	*Appeals, Bengal* . . .	*Rep., XII of 1873.*
	XVIII	*Export of Military Stores* .	*Rep., XI of 1878.*
	XIX	Curators in cases of Successions.	Rep., in part, VIII of 1855, s. 13; XVI of 1874; XII of 1876. Printed, General Acts.
	XX	*Collection of Debts on Successions.*	*Rep., XXVII of 1860.*
	XXI	*Local Nuisances* . . .	*Rep., XVII of 1862.*
	XXII	*Municipal Rates, Madras Town.*	*Rep., XXVI of 1856.*
	XXIII	*Import of Rum, Madras* .	*Rep., VI of 1863.*
	XXIV	Illusory Appointments: Infants' Property.	Rep., in part, XXVII of 1866; VIII of 1868; XVI of 1874. Printed, General Acts.

Year.	Number.	Subject or short title.	Repeals, amendments and references
1841	XXV	*Contempts in Equity* . .	*Rep., VIII of 1868.*
	XXVI	*Extending 3 & 4 Wm. IV., c. 42.*	*Rep., X of 1877.*
	XXVII	Unclaimed Dividends on Insolvents' Estates.	Rep., in part, VIII of 1868; XVI of 1874. Printed, General Acts.
	XXVIII	*Extending Act XXIII of 1839 to Camp-followers.*	*Rep., XXIX of 1861.*
	XXIX	*Dismissal of Suits and Appeals, Bengal and Madras.*	*Rep., XII of 1873.*
	XXX	*Obstructions to Justice* . .	*Rep., VIII of 1868.*
	XXXI	*Criminal Appeals, Bengal* .	*Rep., XVII of 1862.*
1842	I	*Sale of Opium, Calcutta* .	*Rep., XI of 1849.*
	II	*Governor General* . . .	*Rep., VIII of 1868.*
	III	*Extending Act XXI of 1839* .	*Rep., XIII of 1856.*
	IV	Boat Regulations, Madras Roads.	Rep., in part, XVI of 1874; Mad. Act II of 1873. Amended, Mad. Act IV of 1869; Mad. Act I of 1877. Printed, Madras Code.
	V	*Sale of Spirits, Bombay Town*	*Rep., Bom. Act IX of 1867.*
	VI	*Nipáni Jágir* . . .	*Rep., XV of 1874.*
	VII	*Repealing Ben. Regs. XIX, 1797, s. 5, and IV, 1803.*	*Rep., VIII of 1868.*
	VIII	*Sadr Courts* . . .	*Rep., XVII of 1862.*
	IX	Extending 4 & 5 Vict., c. 21	Rep., (locally,) IV of 1882. Printed, General Acts.
	X	*Municipalities, Bengal* . .	*Rep., XXVI of 1850.*
	XI	*Foreign Sugar* . . .	*Rep., XIX of 1854.*
	XII	*Military Bázárs* . . .	*Rep., VIII of 1887.*
	XIII	Revenue, Bombay . .	Rep., in part, XVI of 1874. Residue rep. (locally), Bom. Act V of 1879. Not reprinted.
	XIV	*Nuisances, Bombay Town* .	*Rep., XIV of 1856.*
	XV	*Emigration*	*Rep., XIII of 1864.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1842 .	XVI	*Leases, Bengal* . . .	*Rep., VIII of 1868.*
	XVII	Revenue Commissioners, Bombay.	Rep, in part, XIV of 1870. Residue rep. (locally), Bom. Act V of 1879. Not reprinted.
	XVIII	*Revenue, Bombay* . .	*Rep, XVII of 1862.*
1843	I	*Registration of Instruments* .	*Rep, XVI of 1864.*
	II	*Appeals to Sadr Diwáni Adálat, Bengal* . . .	*Rep., XVI of 1874.*
	III	*Special Appeals* . . .	*Rep., XVI of 1853.*
	IV	*Appeals from Convictions* .	*Rep., XVII of 1862.*
	V	Slavery . . .	Rep., in part, XVI of 1874. Printed, General Acts.
	VI	*Amins and Munsifs, Bengal* .	*Rep., XII of 1873.*
	VII	*Courts, Madras* . . .	*Rep., XII of 1873.*
	VIII	*Provincial Courts of Appeal, Madras.*	*Rep., VIII of 1868.*
	IX	*Bank of Madras* . . .	*Rep., Mad. Act V of 1862.*
	X	*Karnúl and Banganapalle* .	*Rep, XXIII of 1858*
	XI	*Hereditary Officers, Bombay* .	*Rep., Bom. Act III of 1874.*
	XII	*Judicial Language* . .	*Rep., XVI of 1874.*
	XIII	*Conduct of Public Officers, Madras.*	*Rep., XXXVII of 1850.*
	XIV	*Inland Customs, N.-W. Provinces.*	*Rep., VIII of 1875.*
	XV	*Deputy Magistrates, Deputy Collectors.*	*Rep., XII of 1873.*
	XVI	*Repeal, in part, of Ben Regs. IX of 1808 and XVI of 1810.*	*Rep, VIII of 1868.*
	XVII	*Official Trustee* . . .	*Rep. (except as to trusts vested under it), XVII of 1864.*
	XVIII	*Thugs and Dacoits* . .	*Rep., VIII of 1863.*
	XIX	*Registration of certain Deeds*	*Rep., XVI of 1864.*
	XX	*Governor General* . .	*Rep, VIII of 1868*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1843	XXI	*Emigration* . . .	*Rep., XIII of 1864.*
	XXII	*Repeal, in part, of Ben. Reg. III of 1793.*	*Rep., VIII of 1868.*
	XXIII	*Zila Courts in Ceded Provinces.*	*Rep., VIII of 1868.*
	XXIV	*Dacoity*	*Rep., XVII of 1862.*
	XXV	*Applying 5 & 6 Vic., c. 47, s. 11.*	*Rep., XII of 1873.*
1844	I	*Nawab of Carnatic* . .	*Rep., VIII of 1868.*
	II	*Appeals to Queen in Council* .	*Rep., VI of 1874.*
	III	*Corporal Punishment* . .	*Rep, XVII of 1862.*
	IV	*Repeal of Ben. Reg. IX of 1808.*	*Rep., VIII of 1868.*
	V	*Private Lotteries* . .	*Rep., XXVII of 1870.*
	VI	Transit and other duties: Salt (Madras).	Rep., in part, VI of 1863; VIII of 1868; XI of 1869; XXIV of 1869; XIII of 1871; XVI of 1874; XVIII of 1877. Printed, Madras Code.
	VII	*Competence of Witnesses* .	*Rep., VIII of 1868.*
	VIII	*Native Military Convicts* .	*Rep., VII of 1850.*
	IX	*Principal Sadr Amins and Sadr Amins.*	*Rep., XII of 1873.*
	X	*Sentences for Murder* . .	*Rep., VIII of 1868.*
	XI	*Supreme Court, Fort William*	*Rep., XIV of 1870.*
	XII	*Indian Navy* . . .	*Rep., VIII of 1868.*
	XIII	*Trisuli Pice* . . .	*Rep., VIII of 1868.*
	XIV	*Transportation for Life* .	*Rep., XVII of 1862.*
	XV	*Customs-duties* . . .	*Rep., IX of 1845, s. 3.*
	XVI	*Salt-duties, Bombay* . .	*Rep., XII of 1876.*
	XVII	*Colába*	*Rep., VIII of 1853.*
	XVIII	*Jails, Bengal* , . .	*Rep., XXVI of 1870.*

Year.	Number.	Subject or short title	Repeals, amendments and references.
1844	XIX	Town-duties, Bombay . .	Printed, Bombay Code.
	XX	*Factors*	*Rep., IX of 1872.*
	XXI	*Emigration*	*Rep., XIII of 1864.*
	XXII	*Copper Coinage* . . .	*Rep., XIII of 1862.*
1845	I	Sales of Land for Revenue-arrears, Bengal.	Rep (Bengal), XI of 1859; (N.-W. P.), XIX of 1873; (Punjab), XII of 1873. Not reprinted.
	II	*Adultery, Bombay* . .	*Rep., XVII of 1862.*
	III	*Security for costs in Appeals, Bengal.*	*Rep., XII of 1873.*
	IV	*Registration of Deeds* . .	*Rep., XVI of 1864.*
	V	*Native Law Officers* . .	*Rep, XI of 1864.*
	VI	*Commissions of the Peace* .	*Rep., II of 1869.*
	VII	*Canals, N.-W. Provinces* .	*Rep., VIII of 1873.*
	VIII	*Security for Costs in Appeals, Bombay.*	*Rep., XVI of 1874.*
	IX	*Import-duties* . . .	*Rep., VIII of 1868.*
	X	*Warrants on Failure to serve Summons.*	*Rep., XVII of 1862.*
	XI	*Municipal Funds, Bombay Town.*	*Rep, XXV of 1858.*
	XII	*Assistant Registrar, Sadr Diwáni and Sadr Faujdári Adálat, Bombay.*	*Rep., VIII of 1868.*
	XIII	*Attorneys, Supreme Court, Bombay.*	*Rep., VIII of 1868.*
	XIV	*Nazirs in Munsifs' Courts, Bengal.*	*Rep., XII of 1873.*
	XV	*Native Soldiers* . . .	*Rep., X of 1872.*
	XVI	*Re-admission of Appeals, Bengal and Madras.*	*Rep., XII of 1873.*
	XVII	*Witnesses in Munsifs' Courts, Bengal.*	*Rep., XII of 1873.*
	XVIII	*Offences by Convicts* . .	*Rep., XVII of 1862.*

Year.	Number	Subject or short title.	Repeals, amendments and references.
1845	XIX	*Assam Company* . . .	*Rep., XII of 1873.*
	XX	*Native Army, Articles of War.*	*Rep. XIX of 1847.*
	XXI	*Meriah Sacrifices* . . .	*Rep., XVI of 1874.*
	XXII	*Governor General* . .	*Rep, VIII of 1868.*
	XXIII	*Union Bank* . . .	*Rep., VIII of 1868.*
	XXIV	*Pilot Court, Bengal* . .	*Rep., XII of 1859.*
	XXV	*Emigrant Ships, Madras* .	*Rep., XIII of 1864.*
	XXVI	*Spirit Licenses, Calcutta* .	*Rep., XI of 1849.*
	XXVII	*Assistant Magistrates, Bengal*	*Rep., XVII of 1862.*
	XXVIII	*Supreme Court, Madras* .	*Rep., VIII of 1868.*
	XXIX	*Joint Zila and Sessions Judges*	*Rep., X of 1872.*
	XXX	*Fines in Compensation, Madras.*	*Rep., XVII of 1862.*
	XXXI	*Pensions of Soldiers, Bombay*	*Rep., VI of 1849.*
	XXXII	*Distillery Licenses, Madras* .	*Rep., Mad. Act III of 1864.*
1846	I	Pleaders . . .	Repd in part, XVI of 1874; XII of 1876. Amended, XX of 1853, s. 4. Rep. (locally), XX of 1865; IX of 1884, s. 9. Printed, General Acts.
	II	*Unscrewed Cotton* . .	*Rep., I of 1852.*
	III	Boundary-marks, Bombay	Rep., in part, Bom. Act I of 1865, s, 50; XVI of 1874. Residue rep. (locally), Bom. Act V of 1879. Ss 1, 5 and 8 extended to Arakan Hill District with modifications, Reg. IX of 1874. Superseded, V of 1880. Not reprinted.
	IV	*Execution-sales of Land, Bengal.*	*Rep., XII of 1873.*
	V	*Surat Police* . . .	*Rep., VIII of 1868.*
	VI	*Bhatti Territory, N.-W. Provinces.*	*Rep., IV of 1872.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1846	VII	*Diet-money for Witnesses* .	*Rep., XVII of 1862.*
	VIII	*Revenue Settlement, N.-W. Provinces.*	*Rep., XII of 1876.*
	IX	Boats in Harbours, Madras .	Printed, Madras Code.
	X	*Distress for Rent, Bengal* .	*Rep., X of 1859.*
	XI	Khándesh and Ahmadnagar	Rep., in part, XVI of 1874; XII of 1876. Rep. (except as to Scheduled Districts), XIV of 1874. Printed, Bombay Code.
1847	I	Boundaries, N.-W. Provinces	Rep. (N.-W. P.), XIX of 1873; (C. P.), XVIII of 1881; (Ajmere), Reg. III of 1877. Not reprinted.
	II	*Explaining Act V of 1840* .	*Rep, VIII of 1868.*
	III	*Police, Straits Settlements* .	*Rep., XIII of 1856.*
	IV	*Military Magistrates* . .	*Rep, VIII of 1868.*
	V	*Execution of Sentences of Courts in Native States.*	*Rep., VIII of 1863.*
	VI	*Copper Currency, Straits Settlements.*	*Rep., in part, XVII of 1855.* *Not in force in British India.*
	VII	*Distresses, Calcutta* . .	*Rep., I of 1875.*
	VIII	*Emigration from Madras Port.*	*Rep., XIII of 1864.*
	IX	Assessment of new lands .	Rep., in part, XIV of 1870; XVI of 1874. Rep., in part and amended, Ben. Act IV of 1868. Rep. (Assam), Reg. I of 1886. Printed, Bengal Code.
	X	*Sentences to Imprisonment for Life.*	*Rep., XVII of 1862.*
	XI	*Convicts from Hong-kong* .	*Rep., VIII of 1868.*
	XII	*Fines on Munsifs and Sadr Amins.*	*Rep., VIII of 1868.*
	XIII	*Emigration to Ceylon* . .	*Rep., XIII of 1864.*
	XIV	*Transcription of Plaints, Bengal.*	*Rep., VIII of 1868.*
	XV	*Survey of Lands in Calcutta* .	*Rep., VIII of 1868.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1847	XVI	*Commissioners for Improvement of Calcutta.*	*Rep., X of 1852.*
	XVII	*Defects in Civil Procedure* .	*Rep , XII of 1873.*
	XVIII	*Registration of Deeds, Bengal.*	*Rep., XVI of 1864.*
	XIX	*Articles of War, Native Army*	*Rep., XXIX of 1861.*
	XX	Copyright . . .	Rep., in part, XVII of 1862; XIV of 1870; IX of 1871; XVI of 1874; XII of 1876; I of 1879. Printed, General Acts.
	XXI	*Supreme Court, Bombay* .	*Rep., VIII of 1868.*
	XXII	*Municipal Commissioners, Calcutta.*	*Rep., XIV of 1856.*
	XXIII	*Transportation* . . .	*Rep., VIII of 1868.*
1848	I	*Forgery, Bengal* . . .	*Rep., XVII of 1862.*
	II	*Municipal Commissioners, Calcutta.*	*Rep., XII of 1852.*
	III	*Meaning of "Thug" and "Thuggee".*	*Rep., XVII of 1862.*
	IV	*Coroners' Juries* . . .	*Rep., IV of 1871.*
	V	*Penal Recognizances* . .	*Rep., XVII of 1862.*
	VI	*Foreign Bottoms* . . .	*Rep , VIII of 1868.*
	VII	*Amending Act VI of 1848* .	*Rep., XII of 1873.*
	VIII	*Amending Ben. Reg. V of 1812.*	*Rep , X of 1859.*
	IX	*Municipal Rates, Straits Settlements.*	*Rep., XXVII of 1856.*
	X	*Mandvi, Bombay* . .	*Rep., X of 1876.*
	XI	*Wandering Gangs of Thieves*	*Rep., XVII of 1862.*
	XII	*Commissioners for Recovery of Small Debts, Calcutta.*	*Rep., VIII of 1868.*
	XIII	*Limitation, Bengal* . .	*Rep., VIII of 1868.*

Year	Number.	Subject or short title.	Repeals, amendments and references.
1848	XIV	*Commissions to take Affidavits, Supreme Court, Calcutta.*	*Rep., X of 1877.*
	XV	Officers of Supreme Courts	Rep., in part, XII of 1876. Printed, General Acts.
	XVI	*Salt, N.-W. Provinces* . .	*Rep., XIV of 1870.*
	XVII	*Stamp-duties, Madras* . .	*Rep., VII of 1870.*
	XVIII	Nawáb of Surát . .	Rep., in part, XIV of 1870. Not reprinted.
	XIX	*Criminal Sentences, Bengal and Madras.*	*Rep., XVII of 1862.*
	XX	Attendance before Collectors, Bengal.	Rep. (Assam), Reg I of 1886. Printed, Bengal Code.
	XXI	*Wagers*	*Rep., IX of 1872.*
	XXII	*Indictments for Forgery* .	*Rep., VIII of 1868.*
	XXIII	*Amending Act XXV of 1840*	*Rep, XXI of 1856.*
	XXIV	*Governor General* . .	*Rep., VIII of 1868.*
	XXV	*Banganapalle, Madras* . .	*Rep., VIII of 1868.*
	XXVI	*Coroners' Juries, Straits Settlements.*	*Not in force in British India.*
	XXVII	*Indian Navy* . . .	*Rep., VIII of 1868.*
1849	I	*Offences in Foreign States* .	*Rep., XI of 1872.*
	II	*Branding Convicts* . .	*Rep., VIII of 1868.*
	III	*Union Bank, Calcutta* .	*Rep., VIII of 1868.*
	IV	*Criminal Lunatics* . .	*Rep., X of 1875.*
	V	*Customs-duties, Straits Settlements.*	*Rep., VIII of 1868.*
	VI	*Pensions*	*Rep., XXIII of 1871.*
	VII	*Administrator General* .	*Rep. (except as to letters of administration granted before 1st March, 1855), VIII of 1855, s. 56.*
	VIII	*Police Magistrates, Madras Town.*	*Rep, XIII of 1856.*
	IX	*Police Magistrates, Madras* .	*Rep., XVI of 1874.*

Year.	Number.	Subject or short title.	Repeals, amendments and references
1849	X	Commissioner of Revenue, Madras.	Printed, Madras Code.
	XI	*Abkári, Calcutta* . .	*Rep., Ben. Act VII of 1878.*
	XII	*Sadr Adálat, Bombay* . .	*Rep., VIII of 1868.*
	XIII	*Smuggling of Salt, Calcutta* .	*Rep., XII of 1873.*
	XIV	*Tampering with Army or Navy*	*Rep., XVII of 1862.*
	XV	*Repealing Bom Reg. XVIII, 1827, s. 6, cl. 1.*	*Rep., VIII of 1868.*
1850	I	*Title to certain Lands, Calcutta.*	*Rep., VI of 1857.*
	II	*Extending Act VII of 1849 to Madras and Bombay.*	*Rep. (except as to letters of administration granted before 1st March, 1855), VIII of 1855, s. 56.*
	III	*Sadr Amins and District Munsifs, Madras.*	*Rep., X of 1861.*
	IV	*Appeals to Sadr Court, Bengal.*	*Rep., XV of 1853.*
	V	Coasting Trade . . .	Printed, General Acts.
	VI	*Military Offences* . .	*Rep., XXIX of 1861.*
	VII	*Removal of Prisoners* . .	*Rep., XVII of 1862.*
	VIII	*Appeals*	*Rep., XII of 1873.*
	IX	*Small Cause Courts, Presidency-towns.*	*Rep., XV of 1882.*
	X	*Aden*	*Rep., XII of 1873.*
	XI	Amending Act X of 1841 (Registration of Ships).	Rep., in part, XIV of 1870. Printed, General Acts.
	XII	Public Accountants .	Rep., in part, XIV of 1870. Rep., in part (locally), Bom. Act V of 1879. Rep. (Assam), Reg I of 1886. Printed, General Acts.
	XIII	*Breaches of Trust* . .	*Rep., XVII of 1862.*
	XIV	*Police Magistrates, Straits Settlements.*	*Rep., XIII of 1856.*
	XV	*Munsifs' Courts, Bengal* .	*Rep., XII of 1873.*
	XVI	*Fines*	*Rep., XVII of 1862.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1850	XVII	*Taking Land in Bombay and Colaba.*	*Rep., VI of 1857.*
	XVIII	Protection of Judicial Officers .	Printed, General Acts.
	XIX	Binding Apprentices .	Rep., in part, XIV of 1870; XVI of 1874. Printed, General Acts.
	XX	Tributary Mahâls, Cuttack .	Printed, Bengal Code.
	XXI	Non-forfeiture of Rights by Loss of Caste.	Printed, General Acts.
	XXII	*Governor General* . .	*Rep., VIII of 1868.*
	XXIII	Land-revenue, Calcutta .	Rep., in part and amended, XV of 1882. Printed, Bengal Code.
	XXIV	*Duty on Tobacco, Bombay Town.*	*Rep., IV of 1857.*
	XXV	Forfeiture of Deposits on Land-sales.	Rep., in part, X of 1861; XIV of 1870. Printed, Bengal Code.
	XXVI	Improvements in Towns	Rep., in part, XIV of 1870. Rep. (Bengal), Ben. Act V of 1876; (Bombay), Bom. Act VI of 1873; (Sindh), Bom. Act I of 1879; (N.-W. P.), VI of 1868, s. 5; (Punjab), IV of 1873; (locally, Madras), Mad. Act X of 1865. Not reprinted.
	XXVII	*Registry of Merchant Seamen*	*Rep., I of 1859.*
	XXVIII	*Merchant Seamen* . .	*Rep., I of 1859.*
	XXIX	*Amending Act XXXI of 1838*	*Rep., VIII of 1868.*
	XXX	*Pleaders: Appeals* . .	*Rep., VIII of 1868.*
	XXXI	*Salt-revenue, Bombay* . .	*Rep., Bom. Act VII of 1873.*
	XXXII	*Repealing Act XV of 1836* .	*Rep., VIII of 1868.*
	XXXIII	Sale of Patni Tenures, Bengal.	Rep., in part, XIV of 1870; XVI of 1874. Printed, Bengal Code.
	XXXIV	State Prisoners . . .	Printed, General Acts.
	XXXV	*Ferries, Bombay* . .	*Rep., Bom. Act II of 1868.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1850	XXXVI	*Amending Articles of War for Native Army.*	*Rep., XXIX of 1861.*
	XXXVII	Inquiries into Behaviour of Public Servants.	Rep., in part, XIV of 1870; XVI of 1874; XII of 1876; (locally), XVI of 1868. Printed, General Acts.
	XXXVIII	*Prisoners' Counsel* . .	*Rep., XVII of 1862.*
	XXXIX	*Municipal Commissioners, Calcutta.*	*Rep., VIII of 1868.*
	XL	*Pawnbrokers, Straits Settlements.*	*Rep., XII of 1876.*
	XLI	*Landing Decrepit Beggars, Straits Settlements.*	*Not in force in British India*
	XLII	*Public Works, Bengal* . .	*Rep., VI of 1857.*
	XLIII	*Joint Stock Companies* . .	*Rep., X of 1866, s. 219.*
	XLIV	Board of Revenue, Bengal	Rep., in part, XIV of 1870; Rep (Assam), Reg. 1 of 1886. Printed, Bengal Code.
	XLV	*Coroners*	*Rep., IV of 1871.*
1851	I	*Fines under Act XXIV of 1845.*	*Rep., XII of 1859.*
	II	*Amending Ben. Reg. XIII of 1810.*	*Rep., VIII of 1868.*
	III	*Salt-smuggling* . . .	*Rep., VIII of 1868.*
	IV	*Deputy and Assistant Magistrates, Bombay.*	*Rep., XVII of 1862.*
	V	*Turton's Insolvency* . .	*Rep., VIII of 1868.*
	VI	*Foras Land, Bombay* . .	*Rep., XIV of 1870.*
	VII	*Execution of Decrees, Bombay*	*Rep., X of 1861.*
	VIII	Tolls on Roads and Bridges	Rep. in part, XIV of 1870; XII of 1876; and amended, VIII of 1888, s. 5; (locally), XV of 1864; Rep. (Bombay), Bom. Act III of 1875. Extended to Upper Burma with modifications, XX of 1886, ss. 6 & 7. Printed, General Acts.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1851	IX	*Gambling, Bombay Town* .	*Rep., XIII of 1856.*
	X	*Administration Certificates* .	*Rep , XXVII of 1860.*
	XI	*Registration of Deeds, Bengal*	*Rep., XVI of 1864.*
	XII	Land-Revenue, Madras Town	Rep., in part, Mad. Act VI of 1867. Printed, Madras Code.
	XIII	*Amending Act V of 1851* .	*Rep., VIII of 1868.*
	XIV	*Excise, Straits Settlements* .	*Rep., XXX of 1866.*
	XV	*Cotton-frauds, Bombay* .	*Rep., Bom. Act IX of 1863.*
	XVI	*Receivers of Stolen Goods* .	*Rep., XVII of 1862.*
1852	I	*Customs, Bombay* . .	*Rep., XIII of 1871.*
	II	*Land-customs, Bombay* .	*Rep., XXIX of 1857.*
	III	*Spirituous Liquors, Bombay*	*Rep., in part, XVI of 1874.* *Rep., Bom. Act V of 1878.*
	IV	*Emigration* . . .	*Rep., XIII of 1864.*
	V	*Marriage by Registrars* .	*Rep , XV of 1872.*
	VI	*Horsburgh Light-house* .	*Rep., XIII of 1854.*
	VII	Offences against Salt-laws, Madras.	Rep , in part, XVI of 1874. Rep. (locally), Mad. Act VI of 1871 ; Mad. Act I of 1882. Not reprinted.
	VIII	Sheriffs' Fees . . .	Printed, General Acts.
	IX	*Repealing Ben. Reg. I of 1832.*	*Rep., VIII of 1868.*
	X	*Municipal Commissioners, Calcutta.*	*Rep., XXVIII of 1856.*
	XI	Titles to Rent-free Estates, Bombay.	Rep., in part, XVI of 1874; X of 1876. Application declared, Bom. Act V of 1879, s 127. Printed, Bombay Code.
	XII	*Municipal Commissioners, Calcutta.*	*Rep. (except s. 50), XIV of 1856.* *S 50 rep., XXVIII of 1856.*
	XIII	*Calcutta Police* . . .	*Rep., XIII of 1856.*
	XIV	*Extending certain Acts to Straits Settlements.*	*Rep., in part, XXVII of 1866.* *Not in force in British India.*
	XV	*Evidence*	*Rep., I of 1872.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1852	XVI	*Criminal Procedure, Supreme Courts.*	*Rep., X of 1875.*
	XVII	*Special Cases, Supreme Courts*	*Rep., X of 1877.*
	XVIII	*Pleaders, Lower Provinces* .	*Rep., XX of 1865.*
	XIX	*Abkári, Madras Town* . .	*Rep., Mad. Act I of 1886.*
	XX	*Acquisition of Land for Public Purposes, Madras.*	*Rep., VI of 1857.*
	XXI	Deputy Collectors, Bombay	Rep., in part, XII of 1873; XII of 1876, Bom. Act I of 1868. Residue rep. (locally), Bom. Act V of 1879. Not reprinted.
	XXII	*Summary Suits for Arrears of Rent.*	*Rep., VIII of 1868.*
	XXIII	*Fines, Madras and Bombay* .	*Rep., XVI of 1874.*
	XXIV	*Crimping*	*Rep., XIII of 1864.*
	XXV	*Execution of Decrees on Appeal.*	*Rep., VI of 1874.*
	XXVI	*Sadr Amins and Munsifs* .	*Rep., XII of 1873.*
	XXVII	*Heads of Villages, Bombay* .	*Rep., Bom. Act VIII of 1867.*
	XXVIII	*Police, Bombay* . . .	*Rep., VIII of 1868.*
	XXIX	*Circuits of Judicial Commissioners, Bombay.*	*Rep., XII of 1873.*
	XXX	Naturalization of Aliens	Rep., in part, XVI of 1874. XII of 1876. Printed, General Acts.
	XXXI	*Repealing Ben. Reg. XX of 1817, s. 16, cl. 17.*	*Rep., VIII of 1868.*
	XXXII	*Prosecution of certain officers*	*Rep., XVII of 1862.*
	XXXIII	*Enforcement of Judgments*	*Rep., in part, VII of 1870. X of 1877. Residue rep., VIII of 1887.*
	XXXIV	*Gambling, Straits Settlements*	*Rep., XIII of 1856.*
	XXXV	*Local Taxation, Akyab and Kyook Phyoo.*	*Rep., II of 1876.*
1853 .	I	*Corporal Punishment, Madras and Bombay.*	*Rep., XVII of 1862.*

Year.	Number.	Subject or short title.	Repeals, amendments and references
1853	II	Public Charges on Landholders.	Printed, General Acts.
	III	*Great Indian Peninsula Railway.*	*Rep., XVIII of 1854, s. 39.*
	IV	*Tobacco Monopoly, Madras* .	*Rep., VIII of 1868.*
	V	*Amending Act IV of 1839, Straits Settlements.*	*Not in force in British India.*
	VI	Summary Suits for Arrears of Rent, &c.	Rep., in part, XII of 1873; Ben Act VIII of 1865. Printed, Bengal Code.
	VII	*Jurisdiction of Magistrates* .	*Rep., X of 1872.*
	VIII	*Colába*	*Rep., in part, XV of 1874. Residue rep., X of 1876.*
	IX	*Amending Act VI of 1853* .	*Rep., VIII of 1868.*
	X	*Amending Act XXII of 1836*	*Rep., XII of 1873.*
	XI	Bombay and Colába Shore Nuisances.	Rep., in part, XXII of 1855. XIV of 1870. Printed, Bombay Code.
	XII	*Great Indian Peninsula Railway*	*Rep., XVIII of 1854, s. 39*
	XIII	*Vishalghur*	*Rep., XV of 1874.*
	XIV	*Indian Navy* . . .	*Rep., VIII of 1868.*
	XV	*Regular Appeals, Bengal* .	*Rep., XII of 1873.*
	XVI	*Special Appeals* . . .	*Rep., XII of 1873.*
	XVII	*Imrit Rao's Jágir* . .	*Rep., XV of 1874.*
	XVIII	Sale of Spirits in Cantonments.	Rep., in part, XVI of 1874; Rep. (Bengal), XXII of 1864; (Madras), Mad. Act I of 1866, s 41; (Bombay), Bom. Act III of 1867. Printed, General Acts.
	XIX	Evidence, Bengal . .	Rep., in part, X of 1855; X of 1861; I of 1872; (Oudh), XVIII of 1876. S. 26: printed, Bengal Code; N. W.-P. Code; Oudh Code.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1853	XX	Pleaders . . .	Rep., in part, XIV of 1870; Rep. (locally), XX of 1865; IX of 1884, s. 9. Printed, General Acts.
	XXI	*Governor General* . .	*Rep., VIII of 1868.*
1854	I	*Acquisition of Land, Madras Town.*	*Rep., VI of 1857.*
	II	*Assessor to Court of Petty Sessions, Bombay Town*	*Rep., VIII of 1868.*
	III	*Amending Native Articles of War.*	*Rep., XXIX of 1861.*
	IV	Cantonment Bázárs, Bombay	Rep. (locally), Bom. Act III of 1867. Not reprinted.
	V	Bengal Bonded Warehouse Association.	Rep., in part, XIV of 1870. Not reprinted.
	VI	*Supreme Courts, Equity Procedure.*	*Rep., VIII of 1868.*
	VII	*Fugitive Foreign Offenders* .	*Rep., XI of 1872.*
	VIII	*Certificates of Administration*	*Rep., XXVII of 1860.*
	IX	*Civil Appeals* . . .	*Rep., XII of 1873.*
	X	*Assistant and Deputy Magistrates.*	*Rep., X of 1872.*
	XI	*Copper Coinage* . . .	*Rep., XIII of 1862.*
	XII	*District Munsifs, Madras* .	*Rep., XVII of 1862.*
	XIII	*Lighthouses, Straits Settlements.*	*Rep., in part, XIV of 1870. Not in force in British India.*
	XIV	*Assam Tea Company* . .	*Rep., IV of 1855, s. 14.*
	XV	*Borneo Commission* . .	*Rep., VIII of 1868.*
	XVI	Police, N.-W. Provinces .	Rep., in part, XIV of 1870. Printed, N.-W. Provinces Code.
	XVII	*Post-office*	*Rep., XIV of 1866.*
	XVIII	*Railways*	*Rep., IV of 1879.*
	XIX	*Foreign Sugar* . . .	*Rep., VIII of 1868.*
	XX	Agent to Governor General, Rámghar, Jungle Mahále, and Midnápur.	Printed, Bengal Code.

Year.	Number.	Subject or short title.	Repeals, amendments, and references.
1854	XXI	*Banks of Bengal, Madras and Bombay.*	*Rep., as to Bank of Bengal, IV of 1862; as to Bank of Madras, Mad. Act V of 1862; as to Bank of Bombay, Bom. Act X of 1863.*
	XXII	*British Subjects* . . .	*Rep., VIII of 1868.*
	XXIII	*Outrages in Malabar* . .	*Rep., XX of 1859.*
	XXIV	War-knives, Malabar .	Rep., in part, XIV of 1870. Printed, Madras Code.
	XXV	*Mufussal Treasury Warrants*	*Rep., VIII of 1868.*
	XXVI[a]	Court of Wards, Bengal .	Rep. (N.-W. P.), XIX of 1873; (Bengal), Ben. Act IV of 1870, s. 86. Printed, Punjab Code; Burma Code.
	XXVII	*Názim of Bengal* . . .	*Rep., III of 1883.*
	XXVIII	*Municipal Commissioners, Calcutta.*	*Rep., XXVIII of 1856.*
	XXIX	*Exportation of Saltpetre* .	*Rep., VIII of 1868.*
	XXX	*Customs-duties, Burma* . .	*Rep., XX of 1886.*
	XXXI	Conveyances of Land .	Rep., in part, XIV of 1870; XVI of 1874; XII of 1876. (locally), IV of 1882. Printed, General Acts.
	XXXII	*Torture, Madras* . . .	*Rep., VIII of 1868.*
	XXXIII	*Language of Judicial Decisions.*	*Rep., XVI of 1874.*
	XXXIV	*Electric Telegraphs* . .	*Rep., I of 1876.*
1855	I	*Governor General* . .	*Rep., VIII of 1868.*
	II	*Evidence*	*Rep., I of 1872.*
	III	*Indian Navy* . . .	*Rep., VIII of 1868.*
	IV	*Assam Company* . . .	*Rep., XI of 1866.*
	V	*Execution, Supreme Courts*	*Rep. (except as to Straits Settlements), VIII of 1868. Not in force in British India.*
	VI	*Execution, Supreme Courts* .	*Rep., X of 1877.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1855	VII	*Arrest on Mesne Process, Supreme Courts.*	*Rep. (except as to Straits Settlements), VIII of 1868.* *Not in force in British India.*
	VIII	*Administrator General* .	*Rep., XXIV of 1867.*
	IX	*Regular Appeals, Madras* .	*Rep., X of 1861.*
	X	Witnesses, Madras and Bombay.	Rep., in part, X of 1861; XII of 1873. Printed, Madras Code; Bombay Code.
	XI	Mesne Profits and Improvements.	Rep., in part (locally), IV of 1883. Printed, General Acts.
	XII	Suits for Wrongs: Executors and Administrators.	Rep., in part, IX of 1871. Printed, General Acts.
	XIII	Compensation for Loss occasioned by Death.	Rep., in part, IX of 1871. Printed, General Acts.
	XIV	*Military Bázárs, Madras* .	*Rep., XVI of 1874.*
	XV	*Joint Police-officers, Bombay*	*Rep., XVII of 1862.*
	XVI	*Use of Badges, Bombay* .	*Rep., XVII of 1862.*
	XVII	*Copper Currency, Straits Settlements.*	*Not in force in British India.*
	XVIII	*Pardons and Reprieves* .	*Rep., XVI of 1874.*
	XIX	*District Munsifs, Madras* .	*Rep., VIII of 1868.*
	XX	*Boundary-marks, Madras* .	*Rep., XXVIII of 1860.*
	XXI	Minors, Madras . . .	Printed, Madras Code.
	XXII	*Ports and Port-dues* . .	*Rep., XII of 1875.*
	XXIII	Administration of Mortgaged Estates.	Rep., in part, XVI of 1874. (except as to descents or devises before 1866), VIII of 1868. Printed, General Acts.
	XXIV	Penal Servitude . .	Rep., in part, XII of 1867; XIV of 1870; V of 1871; XVI of 1874; XII of 1876. Printed, General Acts.
	XXV	*Sessions at Ootakamund* .	*Rep., VIII of 1868.*
	XXVI	*Government Savings Banks* .	*Rep., V of 1873.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1855	XXVII	*Banks of Bengal, Madras and Bombay.*	*Rep., as to Bank of Bengal, IV of 1862; as to Bank of Madras, Mad. Act V of 1862; as to Bank of Bombay, Bom. Act X of 1863.*
	XXVIII	Repeal of Usury Laws .	Rep., in part, XIV of 1870. Printed, General Acts.
	XXIX	*Amending Act VI of 1844* .	*Rep., XII of 1873.*
	XXX	*Repealing Act XXVIII of 1839, s. 7.*	*Rep., VIII of 1868.*
	XXXI	*Emigration to St. Lucia and Grenada.*	*Rep., XIII of 1864.*
	XXXII	Embankments, Bengal .	Rep., in part, XIV of 1870; XVI of 1874; Rep. (locally), Ben. Act VI of 1873; Printed, Bengal Code.
	XXXIII	*Exportation of Saltpetre* .	*Rep., VIII of 1868.*
	XXXIV	*Execution of Judgments*	*Rep., X of 1877.*
	XXXV	*Import of Cotton, N.-W. Provinces.*	*Rep., VIII of 1868.*
	XXXVI	*Contraband Salt, N.-W. Provinces.*	*Rep., VIII of 1875.*
	XXXVII	Santhál Districts . .	Rep., in part, XIV of 1870, Rep., XIV of 1874 (when notified). Amended, X of 1857. Printed, Bengal Code.
	XXXVIII	*Rebellion in Beerbhoom, &c.* .	*Rep, VIII of 1868.*
1856	I	*Obscene Books and Pictures* .	*Rep., XVII of 1862.*
	II	*Offences affecting the Public* .	*Rep., XVII of 1862.*
	III	*Abkári: Calcutta; Madras Town.*	*Rep. (Calcutta), Ben. Act II of 1876; (Madras), Mad. Act I of 1886.*
	IV	*Cattle-Killing* . . .	*Rep., XVII of 1862.*
	V	*Extending Act XXIII of 1854*	*Rep., XX of 1859.*
	VI	*Patents* . . .	*Rep., XX of 1857 (but saved as to acts done under it—see Act XV of 1859, s. 36).*
	VII	*Water-supply, Bombay Town*	*Rep., VIII of 1868.*

Year.	Number.	Subject or short title.	Repeals, amendments and references
1856	VIII	Jails, *Madras* and Bombay	Rep., in part,, XIV of 1870; XII of 1876; Rep. (Madras), Mad. Act V of 1869. Printed, Bombay Code.
	IX	Bills of Lading . . .	Printed, General Acts.
	X	*Native Articles of War* .	*Rep., XXIX of 1861.*
	XI	European Deserters .	Rep., in part, XIV of 1870; XII of 1873; XVI of 1874. Printed, General Acts.
	XII	Civil Court Amins, Bengal	Rep., in part, X of 1861; XIV of 1870; X of 1873; XII of 1873. Amended, XIX of 1886. Printed, Bengal Code; N.-W. Provinces Code.
	XIII	Police, Presidency-towns	Rep., in part, XLVIII of 1860; XIV of 1870; XVI of 1874; XII of 1875; IV of 1877; (Calcutta), Ben. Act IV of 1866; (Madras), Mad. Act VIII of 1867, s. 81. Amended in Bombay— Bom. Act I of 1872; Bom. Act II of 1879. Printed, Bombay Code.
	XIV	*Conservancy, Presidency-towns.*	*Rep., XVI of 1874.*
	XV	Remarriage of Hindu Widows	Printed, General Acts.
	XVI	*Port-dues*	*Rep., VIII of 1868.*
	XVII	*Criminal Process* . . .	*Rep., XVII of 1862.*
	XVIII	Collector of Calcutta .	Rep., in part, XVIII of 1869. Printed, Bengal Code.
	XIX	*Emigration*	*Rep., XVI of 1874.*
	XX	Police Chaukidárs, Bengal	Rep., in part, XIV of 1870; X of 1872. Rep., in part, and amended— (except in Bengal), XXII of 1871, (Oudh), XVIII of 1876;

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1856	XX	Police Chaukidárs, Bengal—*contd.*	Rep. (N.-W. P. and Oudh), XV of 1883, s. 17. (Punjab except certain Cantonments), XX of 1883, s. 69; (Bengal), Ben. Act V of 1876.* Printed, N.-W. Provinces Code; Punjab Code; Oudh Code; Ajmere Code.
	XXI	*Abkári, Bengal* . .	*Rep. (except in Bengal), X of 1871;* *(Bengal, Ben. Act VII of 1878).*
	XXII	Tolls, Kurratiya River . .	Printed, Bengal Code.
	XXIII	*Recovery of Revenue-arrears, Madras.*	*Rep., XXXIX of 1858.*
	XXIV	*Bengal Mariners, &c., Society*	*Rep., VIII of 1868.*
	XXV	*Municipal Rates, Presidency-towns.*	*Rep., XVI of 1874.*
	XXVI	*Municipal Commissioners, Madras Town.*	*Rep., Mad. Act IX of 1865.*
	XXVII	*Municipal Commissioners, Straits Settlements.*	*Rep., in part, XVII of 1863.* *Not in force in British India.*
	XXVIII	*Municipal Commissioners, Calcutta.*	*Rep., Ben. Act VI of 1863.*
	XXIX	*Oaths by Registrars of Deeds*	*Rep., XVI of 1864.*
1857	I	*Native Passenger Vessels* .	*Rep., VIII of 1868.*
	II	University, Calcutta .	Rep., in part, XII of 1876. Printed, Bengal Code.
	III	*Cattle trespass* . . .	*Rep., I of 1871.*
	IV	Tabacco, Bombay Town .	Rep., in part, XIV of 1870; XVI of 1874; XII of 1876. Printed, Bombay Code.
	V	Oriental Gas Company .	Amended, Act XI of 1867. Not reprinted.
	VI	*Acquisition of Land for Public Purposes.*	*Rep., X of 1870.*

* Notwithstanding the total repeal which Ben. Act V of 1876 purports to effect, Act XX 1856 must be deemed to be still in force in Bengal for the purposes of the Cantonment Act—see Act III of 1880, s. 12, which takes the place of Act XXII of 1864, s. 14.

Year.	Number	Subject or short title.	Repeals, amendments and references.
1857	VII	Uncovenanted Agency, Madras.	Rep., in part, XVII of 1862; X of 1873; XII of 1873. Printed, Madras Code.
	VIII	*Courts-Martial* . . .	*Rep., XXIX of 1861.*
	IX	*Repealing Act VI of 1856* .	*Rep., VIII of 1868.*
	X	Santhál District . .	Rep., in part, XIV of 1870; Rep., XIV of 1874 (when notified). Printed, Bengal Code.
	XI	State Offences . .	Rep., in part, XVII of 1862; XII of 1876. Printed, General Acts.
	XII	*Piratical Junks, Straits Settlements.*	*Not in force in British India.*
	XIII	Opum, Bengal . .	Rep., in part, XIV of 1870; I of 1878. (C. P.), XX of 1875. Rep., in part, and amended (Oudh), XVIII of 1876. Printed, Bengal Code; N.-W. P. Code; Oudh Code; Central Provinces Code.
	XIV	*Military and State Offences* .	*Rep., VIII of 1868.*
	XV	*Printing Presses* . .	*Rep., VIII of 1868.*
	XVI	*Heinous Offences* . .	*Rep., VIII of 1868.*
	XVII	*Mutineers and Deserters* .	*Rep., VIII of 1868.*
	XVIII	*Family, &c., of Nawáb of Carnatic.*	*Rep., VIII of 1868.*
	XIX	Joint-stock Companies .	Rep. (except as to Table B, which is unrepealed as to Companies existing on 1st May, 1882—see Act VI of 1882), X of 1866. Table B, printed, General Acts.
	XX	*Amending Act IX of 1850* .	*Rep., XV of 1882.*
	XXI	Suburbs of Calcutta and Howrah.	Rep., in part, XVI of 1874; Ben. Act I of 1864; Ben. Act III of 1864; Ben. Act V of 1876; Ben. Act III of 1884; Rep., locally, Ben. Act VIII of 1868; Ben. Act II of 1866; (Oudh), XVIII of 1876. Printed, Bengal Code.

Year	Number.	Subject or short title.	Repeals, amendments and references.
1857	XXII	Bombay University	Rep., in part, XII of 1876. Printed, Bombay Code.
	XXIII	*Volunteer Corps*	*Rep. XX of 1869.*
	XXIV	*Port-dues*	*Rep., VIII of 1868.*
	XXV	Forfeitures for Mutiny	Rep., in part, V of 1869; IX of 1871. Printed, General Acts.
	XXVI	*Ferries, Straits Settlements*	*Not in force in British India.*
	XXVII	Madras University	Rep., in part, XII of 1876. Printed, Madras Code.
	XXVIII	*Arms and Ammunition*	*Rep., VIII of 1868.*
	XXIX	Land Customs, Bombay	Rep., in part, XXIII of 1859; XI of 1869; XIV of 1870; XIII of 1871; XVI of 1874; XII of 1876. Printed, Bombay Code.
	XXX	*Port-dues, Calcutta*	*Rep., XII of 1875.*
	XXXI	*Port-dues, Bombay Port*	*Rep., XII of 1875.*
	XXXII	*Native Articles of War*	*Rep., XXIX of 1861.*
	XXXIII	*Foreigners*	*Rep., VIII of 1868.*
	XXXIV	*Sale of Ganja, Bombay*	*Rep., in part, XIV of 1870* *Rep., Bom. Act V of 1878.*
	XXXV	*Port-dues, Burmese Ports*	*Rep., XII of 1875.*
1858	I	Compulsory Labour, Madras	Rep., in part, XVI of 1874. Printed, Madras Code.
	II	*Cuttack Port-dues*	*Rep., XII of 1875.*
	III	State Prisoners	Rep., in part, XIV of 1870. Printed, General Acts.
	IV	*Governor General*	*Rep., VIII of 1868.*
	V	*Escaped Convicts*	*Rep., XVII of 1860.*
	VI	*Impressment of Labour*	*Rep., VIII of 1868.*
	VII	*Port-dues, Madras*	*Rep., Mad. Act VII of 1867.*
	VIII	*Karáchi Port-dues*	*Rep., XII of 1875.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1858	IX	*Cambay Gulf Port-dues* .	*Rep., Bom. Act XI of 1866.*
	X	*Confiscation, &c., for Rebellion*	*Rep., VIII of 1868.*
	XI	*Corporal Punishment* . .	*Rep., VIII of 1868.*
	XII	*Roads in Suburbs of Calcutta and Howrah.*	*Rep., Ben. Act V of 1876.*
	XIII	*Unlawful Possession of Arms*	*Rep., VIII of 1868.*
	XIV	Minors, Madras . . .	Printed, Madras Code.
	XV	*Aden Port-dues* . . .	*Rep., XII of 1875.*
	XVI	*Subordinate Criminal Court, Ootakamund.*	*Rep., VIII of 1868.*
	XVII	*Cambay Gulf Light-dues* .	*Rep., VIII of 1868.*
	XVIII	*Regulation of Ports, Madras*	*Rep , XII of 1875.*
	XIX	*Authentication of certain Stamped Paper.*	*Rep., XVIII of 1869.*
	XX	*Dispossessed Landed Proprietors, N.-W. Provinces.*	*Rep., VIII of 1868.*
	XXI	*Native Passenger Ships* .	*Rep., XII of 1870.*
	XXII	*Transportation* . . .	*Rep., VIII of 1868.*
	XXIII	*Kurnul, Madras* . . .	*Rep., XV of 1874.*
	XXIV	*Family of Nawáb of Carnatic*	*Rep., VIII of 1868.*
	XXV	*Municipal Commissioners, Bombay Town.*	*Rep., Bom. Act II of 1865.*
	XXVI	*State Offences* . . .	*Rep., VIII of 1868.*
	XXVII	*Governor General* . .	*Rep., VIII of 1868.*
	XXVIII	*Police, Port of Madras* .	*Rep., Mad. Act I of 1881, s. 15.*
	XXIX	*Suits in Civil Courts, N.-W. Provinces.*	*Rep., VIII of 1868.*
	XXX	*Nawáb of Carnatic* . .	*Rep., VIII of 1868.*
	XXXI	Alluvial Land, Bengal .	Rep. (N.-W. P.), XIX of 1873; (C. P.), XVIII of 1881; (Assam), Reg. I of 1886. Printed, Bengal Code.
	XXXII	*Tanjore*	*Rep., XV of 1874.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1858	XXXIII	*Indian Navy* . . .	*Rep., VIII of 1868.*
	XXXIV	Lunacy, Supreme Courts	Rep., in part, XVI of 1874. Printed, General Acts.
	XXXV	Lunacy, Mufassal Courts	Rep., in part, XIV of 1870; (Bengal), Ben. Act IX of 1879. Printed, General Acts.
	XXXVI	Lunatic Asylums . .	Rep., in part, XVI of 1874. Amended, XVIII of 1886. Printed, General Acts.
	XXXVII	Nawáb of Carnatic . .	Rep., in part, XVI of 1874. Not reprinted.
	XXXVIII	*Delhi Territory* . . .	*Rep., VIII of 1868.*
	XXXIX	*Arrears of Land-revenue, Madras.*	*Rep., Mad. Act II of 1864, s. 65.*
	XL	Minors, Bengal . .	Rep., in part, XIV of 1870; (Bengal)— Ben. Act IV of 1870, s. 86; Ben. Act IX of 1879; (Central Provinces)— XX of 1875; XVII of 1885. (Ajmere), Reg. I of 1888. Amended (N.-W. P.), XIX of 1873, s. 258; (Oudh), XVIII of 1876. Printed, Bengal Code; N.-W. P. Code; Punjab Code; Oudh Code; Burma Code; Central Provinces Code; Ajmere Code.
	XLI	*Stamp-duties, Bengal* . .	*Rep., XVIII of 1869.*
1859	I	Merchant Seamen . .	Rep., in part, XV of 1863; XIV of 1870; XVI of 1874; IV of 1875; XII of 1876. Amended, XIII of 1876, ss. 9 & 10; V of 1883, ss. 34 to 37. Printed, General Acts.
	II	*Amending Act XXX of 1858.*	*Rep., VIII of 1868.*
	III	*Cantonment Joint Magistrates*	*Rep., VIII of 1887.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1859	IV	*Removal of Prisoners* . .	*Rep., VIII of 1868.*
	V	Ghátwáli Lands, Beerbhoom .	Printed, Bengal Code.
	VI	*Ahmedabad Magistracy* .	*Rep., XII of 1873.*
	VII	*Customs-duties* . . .	*Rep., XVI of 1874.*
	VIII	*Civil Procedure* . . .	*Rep., X of 1877.*
	IX	Claims to Property seized as forfeited.	Rep., in part, VIII of 1868. Printed, General Acts.
	X*	Recovery of Rent, Bengal	Rep., in part, XXXVI of 1860; VII of 1870; XIV of 1870; (locally), XX of 1865; (Bengal), Ben. Act VI of 1862; (N.-W. P.), XIV of 1863, s 5. Rep., locally (Bengal), VIII of 1885; Ben. Act VIII of 1869, s. 107; Ben Act I of 1879. Rep. (N.-W. P.), XVIII of 1873; (C. P.), IX of 1883. Printed, Bengal Code.
	XI	Sales of Land for Revenue Arrears, Bengal.	Rep., in part, XIV of 1870; Ben. Act VII of 1868, s. 29; Ben. Act III of 1881. and amended, Ben. Act III of 1862. Amended, Ben Act VII of 1880; Rep. (Assam), Reg. I of 1886. Printed, Bengal Code.
	XII	Pilots, Calcutta . .	Rep., in part, XIV of 1870; X of 1873. Amended, VI of 1883. Printed, Bengal Code.
	XIII	Fraudulent Breaches of Contract by Workmen.	Rep., in part, XVI of 1874. Printed, General Acts.
	XIV	*Limitation of Suits* .	*Rep. (except part of s. 15), IX of 1871.* *Residue rep., I of 1877.*
	XV	*Patents*	*Rep., V of 1888.*

* Act X of 1859 is apparently now only in force in the Orissa Division, Manbhoom and part of the Jalpáiguri District.

Year	Number.	Subject or short title.	Repeals, amendments and references.
1859	XVI	*Nawáb of Carnatic* . .	*Rep., XXXVII of 1860.*
	XVII	*Ábkári, Bombay Town* . .	*Rep., Bom. Act V of 1878.*
	XVIII	*Magistrates and Justices of the Peace.*	*Rep., X of 1875.*
	XIX	*Continuing Act XXVIII of 1857.*	*Rep., VIII of 1868.*
	XX	Máppillas, Malabar .	Rep., in part, XIV of 1870; Mad. Act VII of 1869. Printed, Madras Code.
	XXI	*Governor General* . .	*Rep., VIII of 1868.*
	XXII	*Amending Act I of 1852* . .	*Rep., XIII of 1871.*
	XXIII	*Land Customs, Madras and Bombay.*	*Rep., XVI of 1874.*
	XXIV	Police, Madras . .	Rep., in part, XVII of 1862; XIV of 1870; XVI of 1874; Mad Act I of 1885. Amended, Mad. Act V of 1865; I of 1872; III of 1888. Printed, Madras Code.
	XXV	*Native Passenger Vessels* .	*Rep., VIII of 1876.*
	XXVI	*Continuing Act XXVIII of 1857.*	*Rep., VIII of 1868.*
	XXVII	*State Offences* . . .	*Rep., VIII of 1868.*
	XXVIII	*Foreigners*	*Rep., VIII of 1868.*
1860	I	*Duty on Salt, N.-W. P.* .	*Rep., VIII of 1875.*
	II	*Carriage of Passengers by Sea*	*Rep., XII of 1885.*
	III	*Sessions Judges, Bengal* .	*Rep., XVII of 1862.*
	IV	*Civil Procedure* . . .	*Rep., XXIII of 1861.*
	V	*Cattle-trespass* . . .	*Rep., I of 1871.*
	VI	*Native Articles of War*	*Rep., XXIX of 1861.*
	VII	*Joint Stock Banks* . .	*Rep., X of 1866, s. 219.*
	VIII	*Electric Telegraphs* . .	*Rep.. I of 1876.*
	IX	Disputes between Workmen and Employers.	Rep., in part, IX of 1871. Printed, General Acts
	X	*Customs-duties* . . .	*Rep., VIII of 1868.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1860	XI	*Indigo Contracts* . . .	*Rep., VIII of 1868.*
	XII	*Emigration to St. Vincent* .	*Rep , XIII of 1864.*
	XIII	*Farakhabad Zila Court* .	*Rep., VIII of 1868.*
	XIV	King of Oudh . . .	Not reprinted.
	XV	*Calcutta Canals* . . .	*Rep., XII of 1873.*
	XVI	*Amending Act XIV of 1856* .	*Rep., XVI of 1874.*
	XVII	*Escaped Convicts* . . .	*Rep., V of 1871.*
	XVIII	*Governor General* . .	*Rep., VIII of 1868.*
	XIX	*Port-dues*	*Rep., XII of 1875.*
	XX	Sir Jamsetjee Jeejeebhoy .	Not reprinted.
	XXI	Registration of Societies .	Rep., in part, XVI of 1874. Printed, General Acts.
	XXII	Chittagong Hill-Tracts .	Rep., in part, XVI of 1874. Amended, Ben. Act IV of 1863. Rep , XIV of 1874 (when notified). Printed, Bengal Code.
	XXIII	Ábkári, Bengal . .	Rep., in part, VI of 1863; XIV of 1870; XVI of 1874; Rep. (locally), X of 1871; (Bengal), Ben Act II of 1876. Printed, Assam Supplement to Bengal Code.
	XXIV	*Marriages by Scotch Ministers*	*Rep , VIII of 1868.*
	XXV	*Port-dues, Bassein* . .	*Rep., XII of 1875.*
	XXVI	*Administrator General* . .	*Rep., XXIV of 1867.*
	XXVII	Collection of Debts on Successions.	Rep., in part, XVI of 1874; V of 1881, s 151; Rep. (except as to Hindus, Muhammadans and Buddhists, and persons exempted from Act X of 1865), XXIV of 1867. Printed, General Acts.
	XXVIII	Boundary-marks, Madras	Rep , in part, XIV of 1870. Amended, Mad. Act II of 1884. Printed, Madras Code; Coorg Code.
	XXIX	*Continuing Act XXVIII of 1857.*	*Rep., VIII of 1868.*

Year	Number.	Subject or short title.	Repeals, amendments and references.
1860	XXX	*Kunch and Kálpi* . .	*Rep., VIII of 1868.*
	XXXI	*Arms*	*Rep., XI of 1878.*
	XXXII	*Income-tax*	*Rep., VIII of 1868.*
	XXXIII	*Emigration to Natal* . .	*Rep., XIII of 1864.*
	XXXIV	Indemnity for acts during Mutiny.	Printed, General Acts.
	XXXV	*Transportation of Convicts* .	*Rep., XVII of 1862.*
	XXXVI	*Stamps*	*Rep., X of 1862.*
	XXXVI	*Repealing Act XVI of 1859* .	*Rep., VIII of 1868.*
	XXXVIII	*Nawáb of Carnatic* . .	*Rep., VIII of 1868.*
	XXXIX	*Income-tax*	*Rep., VIII of 1868.*
	XL	*Amending Act XXXVI of 1860.*	*Rep., X of 1862.*
	XLI	*Emigration to St. Kitts* .	*Rep., XIII of 1864.*
	XLII	*Small Cause Courts, Mufassal*	*Rep., XI of 1865.*
	XLIII	*Amending Act VIII of 1859* .	*Rep., XXIII of 1861.*
	XLIV	*Governor General* . .	*Rep., VIII of 1868.*
	XLV	Penal Code . . .	Rep., in part, XIV of 1870; X of 1882. Amended, VI of 1861; XXVII of 1870; XIX of 1872; X of 1873, s. 15; (N.-W.-P.), XII of 1881; VIII of 1882; X of 1886, ss. 21–24, XIV of 1887, s. 79; I of 1889, s. 9; IV of 1889, s. 3. Printed, General Acts.
	XLVI	*Emigration to French Colonies*	*Rep., VII of 1871.*
	XLVII	University Degrees . .	Printed, General Acts.
	XLVIII	Amending Act XIII of 1856 (Police).	Rep., in part, III of 1863; XIV of 1870; XVI of 1874; IV of 1877; (Bombay), Bom. Act IX of 1867. Amended (Bombay), Bom. Act IV of 1882.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1860	XLVIII	Amending Act XIII of 1856 (Police)—*contd.*	Rep. (Calcutta), Ben. Act IV of 1866. (Madras), Mad. Act VIII of 1867, s. 81. Printed, Bombay Code.
	XLIX	*Emigration to British Colonies*	*Rep., XIII of 1864.*
	L	*Vacations in Civil Courts, Bengal.*	*Rep., VI of 1871.*
	LI	*Amending Act XXXVI of 1860.*	*Rep., X of 1862.*
	LII	*Amending Act XVIII of 1854*	*Rep., IV of 1877.*
	LIII	*Amending Act X of 1859* .	*Rep., VIII of 1868.*
1861	I	*Supreme Court, Bombay* .	*Rep., VIII of 1868.*
	II	*Amending Act VI of 1857* .	*Rep., X of 1870.*
	III	*Customs-duty, Cochin* . .	*Rep., XIII of 1871.*
	IV	*Port-dues, Calingapatam and Munsoorcottah.*	*Rep., Mad. Act VII of 1867.*
	V	Police	Rep., in part, IX of 1871; XVI of 1874; X of 1882; (locally), Ben. Act VII of 1869. Amended, III of 1888. (Assam) Reg. II of 1883. Extended to Upper Burma with modifications, XX of 1886, ss. 6 and 7. Printed, General Acts.
	VI	*Commencement of Penal Code*	*Rep., VIII of 1868.*
	VII	*Salt-duty, Bombay*	*Rep., XXIV of 1869.*
	VIII	*Port-dues, Amherst* . .	*Rep., IX of 1864.*
	IX	Minors	Printed, General Acts.
	X	*Repealing Enactments relating to Civil Procedure.*	*Rep., XIV of 1870.*
	XI	*Amending Act XIV of 1859* .	*Rep., VIII of 1868.*
	XII	*Amending Act XLII of 1860*	*Rep., XI of 1865.*
	XIII	*Police*	*Rep., VIII of 1868.*
	XIV	*Rohilkhand*	*Rep., Reg. IV of 1876.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1861	XV	*Port-dues, Konkan Ports* .	*Rep., Bom. Act XI of 1866.*
	XVI	Stage Carriages . .	Rep., in part, XIV of 1870. Amended, XVI of 1876. Printed, General Acts.
	XVII	*Customs-duties, N.-W. P.* .	*Rep., VIII of 1875.*
	XVIII	*License-duty* . . .	*Rep., II of 1862.*
	XIX	*Paper-currency* . . .	*Rep., III of 1871.*
	XX	*Amending Act XXV of 1858*	*Rep., Bom. Act II of 1865.*
	XXI	*Income-tax* . . .	*Rep., VIII of 1868.*
	XXII	*Cattle-trespass* . . .	*Rep , I of 1871.*
	XXIII	*Civil Procedure* . . .	*Rep., X of 1877.*
	XXIV	*Banks of Bengal, Madras and Bombay.*	*Rep., III of 1871.*
	XXV	*Criminal Procedure* . .	*Rep , X of 1872.*
	XXVI	*Occupation of Land, Malacca*	*Not in force in British India.*
	XXVII	*Andaman Islands* . .	*Rep. Reg. IV of 1874.*
	XXVIII	*Merchant Seamen* . .	*Rep., XV of 1863.*
	XXIX	*Native Articles of War* .	*Rep , V of 1869.*
	XXX	*Bengal Military Orphan Society.*	*Rep., VIII of 1868.*
	XXXI	*Saltpetre Manufacture* .	*Rep., XII of 1876.*
	XXXII	*Limitation*	*Rep., VIII of 1868.*
	XXXIII	*Amending Schedule to Act XXV of 1861.*	*Rep., VIII of 1869.*
1862	I	*Continuing Act XXXIII of 1857.*	*Rep., VIII of 1868.*
	II	*Repealing Act XVIII of 1861.*	*Rep., VIII of 1868.*
	III	Government Seal . . .	Printed, General Acts.
	IV	*Bank of Bengal* . . .	*Rep., XI of 1876.*
	V	*Payment at Presidency Banks*	*Rep., XI of 1876.*
	VI	*Annexing Schedule to Act IV of 1862.*	*Rep., XI of 1876.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1862	VII	*Amending Act XLVI of 1860*	*Rep., VII of 1871.*
	VIII	King of Oudh . .	Rep., in part, XIII of 1868. Not reprinted.
	IX	*Income-tax*	*Rep., VIII of 1868.*
	X	*Stamp-duties* . . .	*Rep., VII of 1870.*
	XI	*Amending Act X of 1860* .	*Rep., VIII of 1868.*
	XII	*Repealing in part Act II of 1835.*	*Rep., VIII of 1868.*
	XIII	*Silver and Copper Coinage* .	*Rep., XXIII of 1870.*
	XIV	*Amending Act XIV of 1859* .	*Rep., VIII of 1868.*
	XV	*Amending Code of Criminal Procedure.*	*Rep., VIII of 1869.*
	XVI	*Income-tax*	*Rep., VIII of 1868.*
	XVII	*Repealing enactments relating to Criminal Law.*	*Rep., X of 1872.*
	XVIII	*Criminal Procedure, Supreme Courts.*	*Rep., X of 1882.*
	XIX	*Contraband Salt, Oudh* .	*Rep., VIII of 1875.*
	XX	*Presidency High Courts* .	*Rep., X of 1877.*
	XXI	*Subordinate Medical Officers' Widows' and Orphans' Fund.*	*Rep., VIII of 1868.*
	XXII	*Emigration to Seychelles* .	*Rep., XIII of 1864.*
	XXIII	*Customs-duties* . . .	*Rep., XIV of 1870.*
	XXIV	*Continuing Act XX of 1862* .	*Rep., X of 1877.*
1863	I	*Civil Courts, Burma* . .	*Rep., VII of 1872.*
	II	*Appeals to Queen in Council* .	*Rep., VI of 1874.*
	III	*Police, Straits Settlements* .	*Not in force in British India.*
	IV	*Effectuating Treaty with Burma.*	*Rep., XX of 1886.*
	V	*Amending Act XXIX of 1861.*	*Rep., V of 1869.*
	VI	*Sea-customs* . . .	*Rep., VIII of 1878.*
	VII	*Emigration to Saint Croix* .	*Rep., XIII of 1874.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1863	VIII	*Confinement of Prisoners sentenced by Courts.*	*Rep., V of 1871.*
	IX	*Amending Code of Civil Procedure.*	*Rep., X of 1877.*
	X	*Darjeeling*	*Rep., XIX of 1867.*
	XI	*Peons for Service of Process* .	*Rep., VII of 1870.*
	XII	*Mahoba and Jeitpur* . .	*Rep., XV of 1874.*
	XIII	*Imprisonment of Convicts, Bombay Town.*	*Rep., XII of 1876.*
	XIV	*Amending Act X of 1859 in N.-W. Provinces.*	*Rep., XII of 1876.* *Rep. (C. P.), IX of 1883.*
	XV	*Merchant Seamen* . .	*Rep., IV of 1875.*
	XVI	Excise on Spirits used exclusively in Manufactures.	Amended, XI of 1882, s. 6. Printed, General Acts.
	XVII	*Municipal Commissioners, Straits Settlements.*	*Not in force in British India.*
	XVIII	*Master in Equity: Process of High Courts.*	*Rep., X of 1877.*
	XIX	Partition of Revenue-paying Estates.	Rep., in part, XIV of 1870. Rep. (N.-W. P.), XIX of 1873; (Oudh), XVIII of 1876; (Ajmere), Reg. III of 1877. Not reprinted.
	XX	Religious Endowments .	Rep., in part, VII of 1870; XIV of 1870; XVI of 1874. Printed, General Acts.
	XXI	*Recorders' Courts, Burma* .	*Rep., VII of 1872.*
	XXII	*Acquisition of Land for certain Works of Public Utility*	*Rep., X of 1870.*
	XXIII	Claims to Waste-lands .	Rep., in part, IX of 1871. Printed, General Acts.
	XXIV	*Burma Courts* . . .	*Rep., VII of 1872.*
	XXV	*Imprisonment of Convicts, Calcutta.*	*Rep., XII of 1867.*
	XXVI	*Customs-duties* . . .	*Rep., VIII of 1868.*
	XXVII	*Income-tax*	*Rep., VIII of 1868.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1863	XXVIII	*Stamp-duties, Straits Settlements.*	*Not in force in British India.*
	XXIX	*Receipts of Presidency Banks*	*Rep., XI of 1876.*
	XXX	*Claims against Native Government of Oudh.*	*Rep., VIII of 1868.*
	XXXI	Official Gazette . . .	Printed, General Acts.
	XXXII	*Continuing Act XX of 1862* .	*Rep., X of 1877.*
1864	I	*Purwá and Khadi* . .	*Rep., XV of 1874.*
	II	Aden	Printed, Bombay Code.
	III	Foreigners . . .	Rep., in part, XII of 1876. Printed, General Acts.
	IV	*Small Cause Court, Karáchi* .	*Rep., VIII of 1868.*
	V	*Extension of Civil Procedure Code to Sindh.*	*Rep., VIII of 1868.*
	VI	Whipping . . .	Rep., in part, X of 1872; XVI of 1874; X of 1882. Extended to Upper Burma, with modifications, XX of 1886, ss. 6 & 7. Printed, General Acts.
	VII	*Salt, Central Provinces* .	*Rep., VIII of 1875.*
	VIII	Comptoir d'Escompte de Paris .	Not reprinted.
	IX	*Repealing Act VIII of 1861* .	*Rep., VIII of 1868.*
	X	*Abkári, Bengal* . . .	*Rep., X of 1871.*
	XI	*Native Law Officers* . .	*Rep., VIII of 1868.*
	XII	*Effectuating Act V of 1863 (Treaty with Burma).*	*Rep., XX of 1886.*
	XIII	*Emigration of Native Labourers.*	*Rep., VII of 1871.*
	XIV	*Joint Judge of the Konkan* .	*Rep., VIII of 1868.*
	XV	Tolls on Public Roads and Bridges.	Printed, General Acts.
	XVI	*Registration of Assurances* .	*Rep., XX of 1866.*
	XVII	Official Trustees . .	Rep., in part, XIV of 1870; XII of 1876. Printed, General Acts.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1864	XVIII	*Municipal Committee, Lucknow.*	*Rep., XV of 1873.*
	XIX	*Mirzápur*	*Rep., XIV of 1874.*
	XX	Minors, Bombay . .	Printed, Bombay Code ; Coorg Code.
	XXI	*Police Magistrates* . .	*Rep., IV of 1877.*
	XXII	*Military Cantonments* . .	*Rep , III of 1880.*
	XXIII	*Customs-duties* . . .	*Rep., VIII of 1868.*
	XXIV	*Non-Regulation Districts, N.-W. P.*	*Rep., XV of 1874.*
	XXV	*Marriage of Christians* .	*Rep., V of 1865.*
	XXVI	*Small Cause Courts, Presidency-towns.*	*Rep., XV of 1882.*
	XXVII	*Justices of the Peace* . .	*Rep., II of 1869.*
	XXVIII	*Abkári*	*Rep., X of 1871.*
1865	I	*Extension of Enactments to Non-Regulation Provinces.*	*Rep., XV of 1874.*
	II	*Rural Police, N.-W. P.* .	*Rep., III of 1869.*
	III	Common Carriers . .	Rep. (as to carriers by rail), IV of 1879. Printed, General Acts.
	IV	*Administrator General* . .	*Rep., XXIV of 1867.*
	V	*Marriage of Christians* .	*Rep. (except as to Straits), XV of 1872. Not in force in British India.*
	VI	*Continuing Arms Act* . .	*Rep., VI of 1866.*
	VII	Government Forests .	Rep., in part, IX of 1871. Rep. (locally), VII of 1878 ; XIX of 1881. Printed, General Acts.
	VIII	*Validating Imprisonment of certain Persons.*	*Rep., V of 1871.*
	IX	*Registration of Assurances* .	*Rep., XX of 1866.*
	X	Succession . . .	Rep., in part, XXIV of 1867 ; VII of 1870 ; XV of 1877. Amended, XIII of 1875 ;

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1865	X	Succession—*contd.* .	Amended, II of 1877; VI of 1881. Printed, General Acts.
	XI	*Mufassal Small Cause Courts*	*Rep., IX of 1887.*
	XII	*Prisoners in Calcutta* . .	*Rep., XII of 1867.*
	XIII	*Criminal Procedure, High Courts.*	*Rep., X of 1875*
	XIV	*Civil Courts, Central Provinces.*	*Rep., XVI of 1885.*
	XV	Pársi Marriages and Divorces.	Rep., in part, VII of 1870; XIV of 1870; XII of 1876. Amended, VI of 1886, s. 31.* Printed, General Acts.
	XVI	*Revenue Courts, Oudh* . .	*Rep., XXXII of 1871.*
	XVII	*Customs-duties* . . .	*Rep, XXV of 1865.*
	XVIII	*Stamp-duties* . . .	*Rep., VII of 1870.*
	XIX[a]	*Courts, Punjab* . . .	*Rep., XVII of 1877.*
	XX	*Pleaders and Mukhtárs* .	*Rep., XVIII of 1879.*
	XXI	Intestate Succession, Pársis .	Printed, General Acts.
	XXII	*Amending Act XVIII of 1864.*	*Rep., XV of 1873.*
	XXIII	*Punjab Chief Court* . .	*Rep., XII of 1873.*
	XXIV	*Warrants of Attorney and Cognovits.*	*Rep., XVI of 1874.*
	XXV	*Customs-duties* . . .	*Rep., VIII of 1868.*
	XXVI	*Amending Native Articles of War.*	*Rep., V of 1869.*
	XXVII	*Civil Appeals, Punjab* . .	*Rep., IV of 1866, s. 52.*
	XXVIII	*Insolvent Traders, Bombay* .	*Rey., VIII of 1868.*
	XXIX	*Amending Pleaders Act, 1865*	*Rep., XVIII of 1879.*
	XXX	Madras Irrigation Company	Rep., in part, XVI of 1874. Printed, Madras Code.
1866	I	*Government Paper Currency.*	*Rep, III of 1871.*
	II	*Rural Police, N.-W. P.* .	*Rep., III of 1869.*

* See Act XIV of 1884, validating decisions passed under this Act.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1866	III	*Registrars, Recorders' Courts, Burma.*	*Rep., VII of 1872.*
	IV	*Chief Court, Punjab* . .	*Rep., XVII of 1877.*
	V	Bills of Exchange Commercial Law.	Rep., in part, IX of 1872; X of 1877; XII of 1879, s. 99; XXVI of 1881. Printed, General Acts.
	VI	*Continuing Arms Act* . .	*Rep., XI of 1878.*
	VII	*Extending Act XXIII of 1840 to Straits Settlements.*	*Not in force in British India.*
	VIII	*Criminal Procedure* . .	*Rep., VIII of 1869.*
	IX	*Extending Pleaders Act to Sadr Court, N.-W. P.*	*Rep., XVIII of 1879.*
	X	*Trading Companies* . .	*Rep., VI of 1882.*
	XI	*Repealing Act IV of 1855* .	*Rep., XIV of 1870.*
	XII	*Private Watercourses* . .	*Rep., XII of 1876.*
	XIII	*Limitation of certain Suits, Oudh.*	*Rep., XXXII of 1871.*
	XIV	Post-office . . .	Rep., in part, XIV of 1870; XII of 1876. Amended, III of 1882. Printed, General Acts.
	XV	*Partnership* . . .	*Rep., IX of 1872.*
	XVI	*Signing Commissions under Act XIII of 1865.*	*Rep., X of 1875.*
	XVII	*Indian Museum, Calcutta* .	*Rep., XXII of 1876.*
	XVIII	*Customs-duty on Saltpetre* .	*Rep., VIII of 1868.*
	XIX	*Salt, Madras* . . .	*Rep., XXIV of 1869.*
	XX	*Registration of Assurances* .	*Rep., VIII of 1871.*
	XXI	Dissolution of Native Converts' Marriages.	Rep., in part, VII of 1870; XVI of 1874. Printed, General Acts.
	XXII	*Extending Marriage Act* .	*Rep., XV of 1872.*
	XXIII	Correcting Bombay High Court Letters Patent.	Printed, Bombay Code.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1866	XXIV	*Procedure of High Court, N.-W. Provinces.*	*Rep., X of 1877.*
	XXV	Transfer of certain Securities to Government.	Rep., in part, XXIV of 1867; XVI of 1874; XII of 1876. Printed, General Acts.
	XXVI	Subordinate Proprietors, Oudh	Rep., in part, XIV of 1870. Printed, Oudh Code.
	XXVII	Conveyance of Property vested in Mortgagees and Trustees.	Rep., in part, XIV of 1870; XVI of 1874; (locally), IV of 1882. Printed, General Acts.
	XXVIII	Powers of Mortgagees and Trustees.	Rep., in part, XVI of 1874; VII of 1882, s. 6; (locally), II of 1882. Printed, General Acts.
	XXIX	*Court of Requests, Straits Settlements.*	*Not in force in British India.*
	XXX	*Excise Revenue, Straits Settlements.*	*Not in force in British India.*
1867	I	Ganges Tolls . . .	Printed, N.-W. Provinces Code.
	II	*Removal of Prisoners* . .	*Rep., V of 1871.*
	III	Public Gambling . .	Rep., in part, XVI of 1874. Amended (Lower Burma), XVI of 1884, s. 6. Printed, N.-W. P. Code; Punjab Code; Oudh Code; C. P. Code; Burma Code; Coorg Code; Ajmere Code; Assam Supplement to Bengal Code.
	IV	*Meaning of "Offence"* . .	*Rep., XXVII of 1870.*
	V	*Extending Penal Code to Straits Settlements.*	*Not in force in British India.*
	VI	*Limits of Districts, Punjab* .	*Rep., XVII of 1887.*
	VII	*Purchasing Arms, &c., from Soldiers.*	*Rep., XVI of 1888.*
	VIII	*Horse-racing* . . .	*Rep., IX of 1872.*
	IX	Comptoir d'Escompte de Paris	Not reprinted.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1867	X	*References by Mufassal Small Cause Courts.*	*Rep., X of 1877.*
	XI	Oriental Gas Company . .	Not reprinted.
	XII	*Custody of Prisoners, Presidency-towns.*	*Rep., V of 1871.*
	XIII	*Burma Coast-lights* . .	*Rep., IX of 1879.*
	XIV	Pándhari-tax, Central Provinces.	Rep., in part, XVI of 1874. Printed, Central Provinces Code.
	XV	*Municipal Committees, Punjab, Oudh, Central Provinces.*	*Rep. (Punjab), IV of 1873;* *(Oudh), XV of 1873;* *(C. P.), XI of 1873.*
	XVI	Acting Judges . . .	Printed, General Acts.
	XVII	*Customs-duties* . . .	*Rep., XVII of 1870.*
	XVIII	Jhánsi Courts . .	Rep., in part, XIV of 1870; XVI of 1874. Amended, XXVII of 1867. Printed, N.-W. Provinces Code.
	XIX	Darjeeling . . .	Rep., in part, XVI of 1874. Printed, Bengal Code.
	XX	*Transhipment of certain Goods*	*Rep., VI of 1873.*
	XXI	*Licensing Professions and Trades.*	*Rep., IX of 1868.*
	XXII	Sarái s and Puráos . . .	Printed, General Acts.
	XXIII	Murderous Outrages, Punjab.	Rep., in part, XVI of 1874. Revived and amended, IX of 1877. Printed, Punjab Code.
	XXIV	*Administrator General* . .	*Rep., II of 1874.*
	XXV	Printing Presses and Books	Rep., in part, XIV of 1870. Printed, General Acts.
	XXVI	*Stamp-duties* . . .	*Rep., X of 1877.*
	XXVII	Deputy Commissioners .	Rep. (Punjab), XVII of 1877; (Oudh), XXXII of 1871; (C. P.), XVI of 1885. Printed, N.-W. Provinces Code.
	XXVIII	*Petty Sessions Courts, N.-W. Provinces.*	*Rep., X of 1872.*
	XXIX	*Amending Act XXI of 1867* .	*Rep., IX of 1868.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1867	XXX	*Paper Currency* . . .	*Rep., III of 1871.*
	XXXI	*Certain Offences of Railway Servants.*	*Rep., IV of 1879.*
	XXXII	Chief Commissioners' Powers	Printed, Oudh Code ; Central Provinces Code ; Burma Code.
	XXXIII	*Amending Act XXXI of 1861*	*Rep., VIII of 1875.*
	XXXIV	*Local Repeal of Act XIX of 1866.*	*Rep., XIV of 1870.*
	XXXV	*Financial Commissioner, Punjab.*	*Rep., XIV of 1870.*
	XXXVI	*Correcting Act XVII of 1862*	*Rep., X of 1872.*
	XXXVII	*Appeals, Oudh* . . .	*Rep., XI of 1871.*
1868	I	General Clauses . .	Rep., in part, I of 1872. Amended, I of 1887, ss. 9 and 10. Printed, General Acts.
	II	*Paper exported from Cochin* .	*Rep., XIII of 1871.*
	III	*Powers of Assistant Commissioner, Punjab.*	*Rep., XVII of 1877.*
	IV	Exempting certain Bombay Villages from General Regulations.	Rep. (except in Scheduled Districts), XIV of 1874. Printed, Bombay Code.
	V	Commissioner in Sindh . .	Printed, Bombay Code.
	VI	*Municipalities, N.-W. P.* .	*Rep., XV of 1873.*
	VII	*Appeals and Reviews, Punjab*	*Rep., IX of 1873.*
	VIII	*Repealing Obsolete Enactments*	*Rep., XIV of 1870.*
	IX	*Taxing Professions and Trades*	*Rep., IX of 1869.*
	X	*Amending Consolidated Customs Act.*	*Rep., VIII of 1878.*
	XI	*Exempting Timber from Import-duty.*	*Rep., XIV of 1870.*
	XII	*Power to suspend Act XI of 1841, s. 17.*	*Rep., VIII of 1887.*
	XIII	King of Oudh . .	Rep., in part, XIV of 1870. Not reprinted.
	XIV	*Contagious Diseases* . .	*Rep. IX of 1888.*
	XV	*Stamps, High Courts* . .	*Rep., VII of 1870.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1868	XVI	*P. S. Amins, &c., Bengal*	*Rep., VI of 1871.*
	XVII	*Failure of Bank of Bombay*	*Rep., XIV of 1870.*
	XVIII	Small Cause Jurisdiction, Nilgiris.	Rep., in part, XIV of 1870; XVI of 1874. Printed, Madras Code.
	XIX	*Rent, Oudh*	*Rep., XXII of 1886.*
	XX	*Duties in Lucknow*	*Rep., XIV of 1870.*
	XXI	Nawáb of the Carnatic	Not reprinted.
	XXII	*Mauza Kheria*	*Rep., XV of 1874.*
	XXIII	*Abkári, British Burma*	*Rep., X of 1871.*
	XXIV	Inoculation, Kumaon and Garhwal.	Printed, N.-W. Provinces Code.
	XXV	*Coorg Courts*	*Rep., Reg. II of 1881.*
	XXVI	*Municipal Lock-hospitals*	*Rep., IX of 1888.*
	XXVII	*Registration*	*Rep., VIII of 1871.*
	XXVIII	*Tenancy, Punjab*	*Rep., XVI of 1887.*
1869	I	Taluqdars, Oudh	Amended, X of 1885. Printed, Oudh Code.
	II	*Justices of the Peace*	*Rep., X of 1882.*
	III	*Rural Police, N.-W. Provinces*	*Rep., XVI of 1873.*
	IV	Divorce	Rep., in part, VII of 1870; XII of 1873; (Punjab), XVIII of 1884. Printed, General Acts.
	V	Indian Articles of War	Rep., in part, XIV of 1870. Printed, General Acts.
	VI	*Emigration*	*Rep., VII of 1871.*
	VII	*Forests, British Burma*	*Rep., XIX of 1881.*
	VIII	*Criminal Procedure*	*Rep., X of 1872.*
	IX	*Income-tax*	*Rep., XVI of 1870.*
	X	*Police Superannuation Funds*	*Rep., XII of 1873*
	XI	*Land Customs, Madras and Bombay.*	*Rep., XI of 1882.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1869	XII	*Customs-duties* . . .	*Rep., XVII of 1870.*
	XIII	Procedure of High Court, N.-W. Provinces.	Rep., in part, X of 1875. Printed, N.-W. Provinces Code.
	XIV	Civil Courts, Bombay .	Rep., in part, XIV of 1870; XII of 1876. Amended, X of 1876; IX of 1880; XV of 1880. Printed, Bombay Code.
	XV	Prisoners' Testimony .	Rep., in part, XVI of 1874; X of 1877. Amended, XVII of 1875, s. 93. Printed, General Acts.
	XVI	Bhootan Dvárs . .	Rep., in part, XVI of 1874. Printed, Bengal Code.
	XVII	*Landing Cargo* . . .	*Rep., VIII of 1878.*
	XVIII	*Stamp-duties* . . .	*Rep., I of 1879.*
	XIX	*Administrator General* .	*Rep., II of 1874.*
	XX	Volunteers . . .	Rep, in part, XIV of 1870; IX of 1871; XVI of 1874. Printed, General Acts.
	XXI	*European Vagrancy* . .	*Rep., IX of 1874.*
	XXII	*Gáro Hills* . . .	*Rep., XIV of 1874.*
	XXIII	*Income-tax*	*Rep., XVI of 1870.*
	XXIV	*Salt, Madras and Bombay* .	*Rep., XVIII of 1877.*
	XXV	*Salt, N.-W. P., Punjab, &c.*	*Rep., VIII of 1875.*
	XXVI	*Correcting Act VIII of 1863.*	*Rep., V of 1871.*
1870	I	Quarantine Rules . . .	Printed, General Acts.
	II	*Subordinate Judges and Munsifs, Bengal.*	*Rep., VI of 1871.*
	III	*Agror Valley* . .	*Rep (Hazára Dist.), Reg. I of 1872, s. 13.* *Rep., IV of 1872.*
	IV	*Appeals to Assistant Commissioner, Kulu.*	*Rep., V of 1874.*
	V	Costs of certain Petitions	Rep., in part, II of 1874; XVI of 1874. Printed, General Acts.

Year	Number.	Subject or short title.	Repeals, amendments and references
1870	VI	*Fees for Registration of Emigrants.*	*Rep., VII of 1871.*
	VII	Court-fees . . .	Rep., in part, XIV of 1870; XVI of 1870; VIII of 1871, (Punjab), XVII of 1887. Amended, XX of 1870; XV of 1872; XIII of 1875; V of 1881, s. 153; (Punjab), XVIII of 1884, s. 71. Printed, General Acts.
	VIII	Murder of Female Infants .	Printed, General Acts.
	IX	*Elphinstone Land Company* .	*Rep., XII of 1873.*
	X	Acquisition of Land for Public Purposes.	Rep., in part, IX of 1871; XII of 1876; (Oudh), XIII of 1879. Amended (Punjab), XVIII of 1884, s. 74; XVIII of 1885. Printed, General Acts.
	XI	*Weights and Measures* . .	*Rep., XII of 1873.*
	XII	*Native Passenger Ships* . .	*Rep., VIII of 1876.*
	XIII	*State Railways* . . .	*Rep., IV of 1879.*
	XIV	*Repealing Obsolete Enactments.*	*Rep., XII of 1873.*
	XV	*Paper-currency* . . .	*Rep., III of 1871.*
	XVI	*Income-tax*	*Rep., XII of 1871.*
	XVII	*Customs-duties* . . .	*Rep., XIII of 1871.*
	XVIII	*Power to exempt from Customs-duties.*	*Rep., XVI of 1875.*
	XIX	*Bank of Bengal* . . .	*Rep., XI of 1876.*
	XX	Amending Court-fees Act, VII of 1870.	Printed, General Acts.
	XXI	Wills of Hindus, &c. .	Rep., in part, and amended, V of 1881, s. 154. Printed, General Acts.
	XXII	*European British Subjects* .	*Rep., X of 1882.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1870	XXIII	Coinage and the Mint	Rep., in part, XII of 1873; XII of 1876. Printed, General Acts.
	XXIV	Relief of Oudh Taluqdárs	Printed, Oudh Code.
	XXV	*Timber-duty, Maulmain*	*Rep., XII of 1873.*
	XXVI	Prisons	Rep., in part, XII of 1873; XVI of 1874. Amended, XIV of 1878. Extended to Coorg, with modifications, II of 1871. Extended to Assam, Reg. II of 1875. Printed, N.-W. Provinces Code; Punjab Code; Oudh Code; Central Provinces Code; Burma Code; Coorg Code; Ajmere Code. Assam Supplement to Bengal Code.
	XXVII	Amending Penal Code	Rep., in part, X of 1872. Amended, VIII of 1882; X of 1886, ss. 21 (*1*) & 24 (*1*). Printed, General Acts.
	XXVIII	*Commitments from Andamans*	*Rep., Reg. III of 1876.*
1871	I	Cattle-trespass	Rep., in part, XVI of 1874. Amended, XVIII of 1883. Printed, General Acts.
	II	Extending Prisons Act, XXVI of 1870, to Coorg.	Rep., in part, XVI of 1874. Printed, Coorg Code.
	III	*Paper Currency*	*Rep., XX of 1882.*
	IV	Coroners	Rep., in part, IX of 1871; X of 1873; XII of 1873; XVI of 1874. Rep., in part, and amended, X of 1881 and V of 1889. Printed, General Acts.
	V	Prisoners	Rep., in part, XII of 1873; XVI of 1874. Amended, IX of 1882; X of 1886, s. 25. Printed, General Acts.
	VI	*Civil Courts, Bengal*	*Rep., XII of 1887.*

GENERAL SECRETARIAT LIBRARY.

Year	Number.	Subject or short title.	Repeals, amendments and references.
1871	VII	*Emigration*	*Rep., XXI of 1883.*
	VIII	*Registration of Documents* .	*Rep., III of 1877.*
	IX	*Limitation*	*Rep., XV of 1877.*
	X	*Excise; Northern India, Burma, Coorg.*	*Rep., XXII of 1881.*
	XI	*Financial Commissioner, Oudh*	*Rep., XXXII of 1871.*
	XII	*Income-tax*	*Rep., XVI of 1874.*
	XIII	*Customs-duties* . . .	*Rep., XVI of 1875.*
	XIV	*Amending Consolidated Customs Act.*	*Rep., VIII of 1878.*
	XV	*Relief of Broach Thákurs* .	*Rep., XIV of 1877.*
	XVI	*Survey of Steamers, Burma* .	*Rep., VI of 1884.*
	XVII	*Rates on Land, Oudh* . .	*Rep., IV of 1878.*
	XVIII	*Rates on Land, N.-W. Provinces.*	*Rep., III of 1878.*
	XIX	Sessions Judges, Bengal and N.-W. Provinces.	Rep., in part, X of 1872. Printed, Bengal Code; N.-W. Provinces Code.
	XX	*Rates on Land, Punjab* .	*Rep., V of 1878.*
	XXI	Dehra Dún . . .	Rep., in part, XVI of 1874. Printed, N.-W. Provinces Code.
	XXII	Chaukidárs, N.-W. Provinces	Rep., in part, and amended (Oudh), XVIII of 1876. Printed, N.-W. Provinces Code, Punjab Code; Oudh Code.
	XXIII	Pensions . . .	Amended (locally), Act XXI of 1886. Printed, General Acts.
	XXIV	*Local Public Works Loans* .	*Rep., XI of 1879.*
	XXV	*Amending Railway Act* .	*Rep., IV of 1879.*
	XXVI	Advances for Agricultural Improvements.	Rep., in part, XII of 1873; XVI of 1874. Amended, XXI of 1876. Rep., in places in which Act XIX of 1883 has been declared in force. Not reprinted.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1871	XXVII	Criminal Tribes and Eunuchs	Rep., in part, XVI of 1874; XII of 1876. Amended and extended to Bengal, VII of 1876. Printed, Bengal Code; N.-W. Provinces Code; Punjab Code; Oudh Code; Ajmere Code.
	XXVIII	*European Vagrants* . .	*Rep., IX of 1874.*
	XXIX	*Repealing Bengal Regulations*	*Rep., XII of 1873.*
	XXX	*Canals and Drainage, Punjab*	*Rep., VIII of 1873.*
	XXXI	Weights and Measures . .	Printed, General Acts.
	XXXII	*Civil Courts, Oudh* .	*Rep. (except s. 40), XIII of 1879.* *S. 40, rep., XXII of 1886.*
	XXXIII	*Land-revenue, Punjab* . .	*Rep., XVII of 1887.*
1872	I	Evidence . . .	Rep., in part, 44 & 45 Vict., cap. 58, s. 127. Amended, XVIII of 1872; III of 1887. Extended to Upper Burma, with modifications, XX of 1886, ss. 5 and 7. Printed, General Acts.
	II	*Reviving Act XV of 1867* .	*Rep., IV of 1873.*
	III	Marriage . . .	Rep., in part, XVI of 1874; XII of 1876. Amended, VI of 1886, s. 29. Printed, General Acts.
	IV	Laws, Punjab . .	Rep., in part, I of 1878; VI of 1878; X of 1879; (when extended to Punjab), IV of 1882; X of 1882; XVII of 1887. Rep., in part, and amended, XII of 1878. Amended, XV of 1875; XXIV of 1881. Printed, Punjab Code.
	V	Sindh	Printed, Bombay Code.
	VI	*Oaths and Affirmations* .	*Rep., X of 1873.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1872	VII	*Courts, British Burma* .	*Rep., XVII of 1875.*
	VIII	*Income-tax*	*Rep., XVI of 1874.*
	IX	Contract Law . .	Rep., in part (except as to Scheduled Districts), I of 1877. Amended, IV of 1886. Printed, General Acts.
	X	*Criminal Procedure* . .	*Rep., X of 1882.*
	XI	*Extradition* . . .	*Rep., XXI of 1879.*
	XII	*Native Passenger Ships* .	*Rep., VIII of 1876.*
	XIII	*Patterns and Designs* .	*Rep., in part, XVI of 1874.* *Residue rep., V of 1888.*
	XIV	*Exempting Straits Settlements from Emigration Act*	*Rep., V of 1872, s. 52.* *XXI of 1883.*
	XV	Marriage of Christians .	Rep., in part, XVI of 1874. Amended, VI of 1886, s. 30. Printed, General Acts.
	XVI*	Spirit-duty, Burma . .	Printed, Burma Code.
	XVII	*Postponing Commencement of Code of Criminal Procedure.*	*Rep., XII of 1873.*
	XVIII	Amending Evidence Act	Rep., in part, X of 1873; XVI of 1874; XII of 1876. Printed, General Acts.
	XIX	Definition of "Coin," Penal Code.	Printed, General Acts.
	XX	Amending Act V of 1872 .	Printed, Bombay Code.
	XXI	*Lunatic Sepoys* . . .	*Rep., XI of 1877.*
	XXII	Amending Act X of 1859 in N.-W. Provinces and Central Provinces.	Rep. (N.-W. P., except as to certain Scheduled Districts), XVIII of 1873; (C. P., except as to Scheduled Districts), IX of 1883. Not reprinted.
	XXIII	*Re-importation of certain goods cleared at Rangoon.*	*Rep., XX of 1886.*
	XXIV	*Repealing Bombay Reg. XIII, 1827, s. 34, cl. 9.*	*Rep., XII of 1873.*
	XXV	*Salt, Punjab* . . .	*Rep., VIII of 1875.*
	XXVI	*Opium, Punjab* . . .	*Rep., I of 1878.*

* This Act will be repealed by the new Lower Burma Courts Bill now before the Council of the Governor General.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1872	XXVII	*Criminal Procedure Code, Sindh.*	*Rep., XVI of 1874.*
1873	I	*Burma Courts* . . .	*Rep., XVII of 1875.*
	II	Burma Ferries . .	Rep., in part, XVI of 1874. Printed, Burma Code.
	III	Civil Courts, Madras .	Rep., in part, XII of 1873; IX of 1887. Amended, XIX of 1877; XXI of 1885. Rep., in part (when and where rules under s. 3 of Act VII of 1887 take effect), VII of 1887, s. 6. Printed, Madras Code.
	IV	*Municipalities, Punjab* .	*Rep., XIII of 1884, s. 12.*
	V	Savings Banks . .	Rep., in part, XII of 1873; XVI of 1874. Printed, General Acts.
	VI	*Transhipment of Goods* .	*Rep., VIII of 1878.*
	VII	*Port-dues, Burma* . .	*Rep., XII of 1875.*
	VIII	Canals and Drainage, Northern India.	Rep., in part, XII of 1873; XVI of 1874; Rep., in part (Punjab), XVI of 1887. Printed, N.-W. Provinces Code; Punjab Code; Oudh Code; C. Provinces Code.
	IX	*Appeals, Punjab* . . .	*Rep., XVII of 1877.*
	X	Judicial Oaths . .	Rep., in part, XII of 1873; XII of 1876. Printed, General Acts.
	XI	Municipalities, Central Provinces.	Rep., in part, XVI of 1874. Printed, C. Provinces Code.
	XII	*Obsolete Enactments Repeal.*	*Rep., XVI of 1874.*
	XIII	*Timber, Lower Burma* .	*Rep., XIX of 1881.*
	XIV	Lunatic Soldiers' Property	Rep., in part, XVI of 1874. Printed, General Acts.
	XV	Municipalities, N.-W. Provinces and Oudh.	Rep., in part, XVI of 1874; (locally), XV of 1883, ss 5 and 17 (*1*). Printed, N.-W. Provinces Code, Ajmere Code; Coorg Code.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1873	XVI	Village and Road Police, N.-W. Provinces.	Rep., in part, XVI of 1874; XII of 1876. Printed, N.-W. Provinces Code.
	XVII	Nawáb Názim's Debts . .	Not reprinted.
	XVIII	*Rent, N.-W. Provinces.* .	*Rep., XII of 1881.*
	XIX	Land-revenue, N.-W. Provinces.	Rep., in part, I of 1879; XIII of 1882. Amended, VIII of 1879; XV of 1886. Printed, N.-W. Provinces Code.
	XX	Prince of Arcot . . .	Not reprinted.
1874	I	*Quieting titles, N.-W. Provinces.*	*Spent.*
	II	Administrator General .	Rep., in part, I of 1879; and amended, IX of 1881. Printed, General Acts.
	III	Married Women's Property	Rep., in part, XII of 1876; VI of 1888, s. 9. Printed, General Acts.
	IV	Foreign Recruiting .	Rep., in part, XII of 1876. Printed, General Acts.
	V	*Appeals to Assistant Commissioner, Kulu.*	*Rep., XVII of 1877.*
	VI	*Appeals to Judicial Committee*	*Rep., X of 1877.*
	VII	Municipalities, Lower Burma.	Rep. (locally), XVII of 1884, s. 14. Printed, Burma Code.
	VIII	Exercise of powers in Assam .	Printed, Assam Supplement to Bengal Code.
	IX	European Vagrancy	Rep., in part, I of 1879. Printed, General Acts.
	X	*Salt: Ganjam, Orissa* .	*Rep., XVIII of 1877.*
	XI	*Amending Code of Criminal Procedure.*	*Rep., X of 1882.*
	XII	Exercise of powers in Sylhet .	Printed, Assam Supplement to Bengal Code.
	XIII	European British Minors	Printed, Punjab Code; Oudh Code; C. Provinces Code; Burma Code;

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1874	XIII	European British Minors—*contd.*	Printed, Coorg Code; Ajmere Code; Assam Supplement to Bengal Code.
	XIV	Scheduled Districts	Rep., in part, XIX of 1879; XIV of 1881, s. 14; XXV of 1881; VIII of 1883; VII of 1885. Amended, XVII of 1886. Printed, General Acts.
	XV	Local Extent of certain Enactments.	Rep., in part, VIII of 1875; XII of 1876; XVIII of 1877; VI of 1878; XI of 1878; XXVI of 1881; X of 1882; VII of 1885; VIII of 1887; IX of 1887; and amended, XIV of 1881, ss. 14 and 15. Printed, General Acts.
	XVI	*Obsolete Enactments Repeal* .	*Rep., XII of 1876.*
1875	I	*Distresses, Presidency-towns* .	*Rep., XV of 1882.*
	II	*Law Reports* . . .	*Rep., XVIII of 1875.*
	III	*Correcting Act XVI of 1874* .	*Rep, XII of 1876.*
	IV	*Merchant Shipping* . .	*Rep., V of 1883.*
	V	Unattested Sepoys . .	Printed, General Acts.
	VI	Loan to Sir Jamsetjee Jeejeebhoy.	Not reprinted.
	VII	Fisheries, Burma .	Rep., in part, XII of 1876. Printed, Burma Code.
	VIII	*Inland Customs*	*Rep., XII of 1882.*
	IX	Majority	Printed, General Acts.
	X	Criminal Procedure, High Courts.	Rep. (except s. 144 and part of s. 146), X of 1882. Ss. 144 and 146 printed, General Acts.
	XI	*Salt, Madras*	*Rep., XVIII of 1877.*

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1875	XII	Ports and Port-dues	Rep., in part, VII of 1880, s. 72; (in areas to which Act extends), VIII of 1881; IV of 1884. Amended, IX of 1879, s. 17; XVII of 1882; V of 1883, s. 31; XI of 1883; V of 1885; Rep., in part, and amended (Port of Madras, when notified), IV of 1881. Printed, General Acts.
	XIII	Probates and Letters of Administration.	Amended, II of 1877. Printed, General Acts.
	XIV	*Punjab Judicial Administration.*	Rep., XVI of 1887.
	XV	Amending Punjab Laws Act .	Printed, Punjab Code.
	XVI	*Tariff*	*Rep., XI of 1882.*
	XVII[a]	Courts, Burma . .	Rep., in part, VI of 1878. Amended, XI of 1880; X of 1884; XIV of 1885. Printed, Burma Code.
	XVIII	Law Reports . .	Rep., in part, XII of 1876. Printed, General Acts.
	XIX	*Punjab Chief Court* . .	*Rep., XVII of 1877.*
	XX	Central Provinces Laws .	Rep., in part, VI of 1878; III of 1879; IV of 1882; X of 1882. Amended, II of 1879. Printed, C. Provinces Code.
	XXI	*Calcutta University Honorary Degrees.*	*Rep., I of 1884.*
1876	I	*Telegraphs*	*Rep., XIII of 1885.*
	II	Burma Land and Revenue .	Rep., in part, II of 1880; XII of 1882. Printed, Burma Code.
	III	*Burma Labour Law* . .	*Rep., VII of 1883.*
	IV	*Bengal Revenue Agents* .	*Rep., XVIII of 1879.*
	V	Reformatory Schools . .	Printed, General Acts.

[a] This Act will be repealed by the new Lower Burma Courts Bill now before the Council of the Governor General.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1876	VI	Chutiá Nágpur Encumbered Estates.	Amended, V of 1884. Applied to the Deo Estate, with modifications, IX of 1886. Printed, Bengal Code.
	VII	Extending and amending Act XXVII of 1871 (Criminal Tribes Act).	Printed, Bengal Code; N.-W Provinces Code, Punjab Code, Oudh Code.
	VIII	*Native Passenger Ships* .	*Rep., X of 1887.*
	IX	Native Coinage . . .	Printed, General Acts.
	X	Bombay Revenue Jurisdiction.	Rep in part and amended, XV of 1880. Amended, XVI of 1877. Printed, Bombay Code.
	XI	Presidency Banks . .	Rep., in part, and amended, V of 1879. Printed, General Acts.
	XII	*Obsolete Enactments* .	*Spent.*
	XIII	Merchant Seamen . . .	Printed, General Acts.
	XIV	*Incumbered Estates, Sindh* .	*Rep, XX of 1881.*
	XV	Municipal Debentures, Bombay.	Rep., in part, I of 1879. Printed, Bombay Code.
	XVI	Amending Stage Carriages Act, XVI of 1861.	Printed, General Acts.
	XVII	Land-revenue, Oudh .	Rep., in part, XIII of 1882; and amended, XIV of 1878. Printed, Oudh Code.
	XVIII	Laws, Oudh . . .	Rep., in part, VI of 1878; III of 1879, s. 9; XIII of 1879; IV of 1882; X of 1882; XXII of 1886; and amended, XIV of 1878, s. 5. Printed, Oudh Code.
	XIX	Dramatic Performances .	Extended to Upper Burma, with modifications, XX of 1886, ss. 6 and 7. Printed, General Acts.
	XX	Bhaunagar	Printed, Bombay Code.

Year	Number	Subject or short title.	Repeals, Amendments and references.
1876	XXI	Amending Land Improvement Act.	Rep. (in places in which the Act has been declared in force), XIX of 1883. Not reprinted.
	XXII	Indian Museum (Calcutta)	Amended, IV of 1887. Printed, Bengal Code.
	XXIII	Opium . . .	Rep. (in local areas in which the Act has been declared in force), I of 1878. Amended, VI of 1877. Not reprinted.
1877	I	Specific Relief . .	Rep., in part (in certain localities)— II of 1882; IV of 1882. Printed, General Acts.
	II	Amending Act XIII of 1875 (Probate and Letters of Administration).	Printed, General Acts.
	III	Registration . . .	Rep., in part (by implication), X of 1882, s 483. Amended, XII of 1879, ss. 104 to 107; I of 1880; XIX of 1883, s. 12 (*1*) & (*3*); VII of 1886; VII of 1888, s. 65. Supplemented, IV of 1882 (as amended by Act III of 1885). Printed, General Acts.
	IV	Presidency Magistrates .	Rep. (except s. 57), X of 1882. S. 57: printed, General Acts.
	V	*Straits Settlements Emigration.*	*Rep., XXI of 1884.*
	VI	Postponing operation of Opium Act, XXIII of 1876.	Rep. (locally), I of 1878. Not reprinted.
	VII	*Amending North-Western Provinces Local Rates Act, 1871.*	*Rep., III of 1878.*
	VIII	*Licences, North-Western Provinces.*	*Rep., II of 1878.*
	IX	Reviving and amending Act XXIII of 1867 (Murderous Outrages, Punjab).	Printed, Punjab Code.
	X	*Civil Procedure Code* . .	*Rep., XIV of 1882.*
	XI	Military Lunatics . .	Printed, General Acts.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1877	XII	*Amending Act VI of 1876 (Chutia Nágpur Encumbered Estates).*	*Rep., V of 1884.*
	XIII	Embankments, Burma . .	Printed, Burma Code.
	XIV	Incumbered Estates, Broach and Kaira.	Rep., in part, and amended, XXI of 1881. Printed, Bombay Code.
	XV	Limitation . . .	Rep., in part (Madras, Central Provinces and Coorg), V of 1882 Amended, XII of 1879, s 108, VIII of 1880, V of 1881, s. 156; IX of 1887, s. 66; VII of 1888, s 66. Amended (Punjab), XVII of 1877, s. 18 Amended (Upper Burma), Reg. X of 1887, s 4 Printed, General Acts.
	XVI	Amending Act X of 1876 (Bombay Revenue Jurisdiction).	Printed, Bombay Code.
	XVII*	Courts, Punjab . .	Rep (except s 18), XVIII of 1884. S 18 printed, Punjab Code.
	XVIII	*Salt*	*Rep., XII of 1882.*
	XIX	Amending Madras Courts Act, III of 1873 (Ministerial Officers).	Amended, XXI of 1885. Rep. (Bengal, N W P. and Assam), XII of 1887. Printed, Madras Code.
1878	I	Opium	Printed, General Acts.
	II	*License-tax, Northern India* .	*Rep., II of 1886.*
	III	Local Rates, North-Western Provinces.	Rep., in part, and amended, XIV of 1883, ss. 56 to 58. Amended, VIII of 1879. Printed, N.-W. Provinces Code.
	IV	Local Rates, Oudh . .	Rep in part and amended, XIV of 1883, ss 59 to 61. Printed, Oudh Code.
	V	Local Rates, Punjab . .	Rep. (in all districts, except Simla), XX of 1883. Not reprinted.
	VI	Treasure-trove . .	Printed, General Acts.
	VII	Forests . . .	Rep., in part (locally), VI of 1879. Printed, General Acts.

* See Act XIV of 1884, validating decisions passed under this Act.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1878	VIII	Sea Customs . .	Amended, IX of 1885, ss. 5 and 6; II of 1887, ss. 1 to 4; XXI of 1887; II of 1888; IV of 1889, ss. 10 and 11. Printed, General Acts.
	IX	*Native Press* . . .	*Rep., III of 1882.*
	X	Local Rates, Central Provinces	Printed, C. Provinces Code.
	XI	Arms	Rep, in part, XI of 1882. Printed, General Acts.
	XII	Amending Punjab Laws Act (IV of 1872).	Rep., in part, X of 1879. Printed, Punjab Code.
	XIII	*Distressed Seamen* . .	*Rep., V of 1883.*
	XIV	Assimilation of powers (North-Western Provinces and Oudh).	Rep., in part, XIII of 1879; XXII of 1886. Printed, N.-W. Provinces Code; Oudh Code.
	XV	Hussainábád Endowment .	Not reprinted.
	XVI	*Amending Act IX of 1878 (Native Press).*	*Rep., III of 1882.*
	XVII	Ferries (Northern India) .	Amended, III of 1886; (N.-W. P. and Oudh), XIV of 1883, ss. 64 and 65; (Punjab), XX of 1883, ss. 78 and 79; (C. P.), I of 1883, ss. 43 and 44. Printed, N.-W. Provinces Code; Punjab Code; Oudh Code; Central Provinces Code; Ajmere Code; Assam Supplement to Bengal Code.
	XVIII	*Amending Code of Civil Procedure (Act X of 1877).*	*Rep., XII of 1879.*
1879	I	Stamps . . .	Rep., in part, V of 1888; and amended, IX of 1884, s. 10. Amended, I of 1888. Printed, General Acts.
	II	Amending Act XX of 1875 (Central Provinces Laws).	Printed, C. Provinces Code.
	III	Destruction of Records .	Amended, (Burma) XVIII of 1888, s. 7; Printed, General Acts.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1879	IV	Railways . . .	Amended, IV of 1883; XI of 1886, s. 49. Printed, General Acts.
	V	Amending Act XI of 1876 (Presidency Banks).	Printed, General Acts.
	I	Preservation of Elephants	Amended, II of 1883. Printed, General Acts.
	VII	*Additional Financial Commissioner, Punjab.*	*Spent.*
	VIII	Land-revenue (North-Western Provinces.)	Rep., in part, XIII of 1832. Printed, N.-W. Provinces Code.
	IX[a]	Coast-lights (Burma) .	Printed, Madras Code; Bombay Code; Bengal Code; Burma Code.
	X	*Takkávi (Northern India)*	*Rep.* (except as regards the recovery of advances and interest thereon), *XII of 1884.*
	XI	Local Authorities Loans	Amended, XV of 1885. Printed, General Acts.
	XII	Amending *Code of Civil Procedure* and Registration and Limitation Acts (Acts X, III and XV of 1877).	Rep., in part, XIV of 1882. Printed, General Acts.
	XIII	Civil Courts (Oudh) . .	Printed, Oudh Code.
	XIV	Hackney Carriages .	Printed, N.-W. Provinces Code; Punjab Code; Oudh Code; C. Provinces Code; Burma Code; Coorg Code; Ajmere Code; Assam Supplement to Bengal Code.
	XV	Port Commissioners (Rangoon)	Printed, Burma Code.
	XVI	Transport of Salt by Sea	Printed, Madras Code; Bombay Code.
	XVII	Dekkhan Agriculturists' Relief.	Rep., in part, and amended, XXIII of 1881 and XXII of 1882. Printed, Bombay Code.
	XVIII	Legal Practitioners	Amended, IX of 1884. Printed, General Acts.

[a] Act IX of 1879 is also in force in the Andaman and Nicobar Islands, but no Local Code has been issued for those Islands

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1879	XIX	Raipur and Khattra Laws .	Printed, Bengal Code.
	XX[a]	Glanders and Farcy	Rep., in part and extended to Bombay, XXIV of 1886. Printed, Bombay Code; N.-W. Provinces Code; Punjab Code; Oudh Code; C. Provinces Code; Burma Code; Coorg Code; Ajmere Code; Assam Supplement to Bengal Code.
	XXI	Foreign Jurisdiction and Extradition.	Rep., in part, X of 1882. Printed, General Acts.
1880	I	Religious Societies . .	Printed, General Acts.
	II	District Cesses and Rural Police (Lower Burma).	Rep. in part and amended, III of 1889, ss. 1 (*6*) and 4 (when and where notified). Printed, Burma Code.
	III	Cantonments . .	Rep., in part, VIII of 1887. Printed, General Acts.
	IV	Portuguese Treaty . .	Printed, General Acts.
	V	Boundaries (Lower Burma) .	Printed, Burma Code.
	VI	*License Acts Amendment* .	*Rep., II of 1886.*
	VII	Merchant Shipping .	Rep., in part, XIV of 1882. Printed, General Acts.
	VIII	*Correcting clerial error in Limitation Act (XV of 1877).*	*Rep., X of 1888.*
	IX	Bombay Civil Courts Act Amendment.	Printed, Bombay Code.
	X	*Multan District Laws* .	*Rep., XIII of 1883.*
	XI[b]	Burma Courts Act (Additional Recorder of Rangoon).	Printed, Burma Code.
	XII	Kázís	Printed, General Acts.
	XIII	Vaccination . .	Printed, N.-W. Provinces Code; Punjab Code; Oudh Code; C. Provinces Code; Burma Code; Ajmere Code;

[a] Act XX of 1879 is also in force in the Andaman and Nicobar Islands, but no Local Code has been issued for these Islands.

[b] This Act will be repealed by the new Lower Burma Courts Bill now before the Council of the Governor General.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1880	XIII	Vaccination—*contd.* .	Printed, Coorg Code; Assam Supplement to Bengal Code.
	XIV	*Census*	*Spent.*
	XV	Revenue Jurisdiction (Bombay).	Rep., in part, XII of 1884. Printed, Bombay Code.
	XVI	Madras Irrigation and Canal Company.	Printed, Madras Code.
1881	I	Táj Mahál's Pension . .	Not reprinted.
	II	Pegu and Sittang Canal . .	Printed, Burma Code.
	III	*Indian Securities* . . .	*Rep., XIII of 1886.*
	IV	Port-dues (Madras) . .	Printed, Madras Code.
	V	Probate and Administration .	Printed, General Acts.
	VI	District Delegates . .	Printed, General Acts.
	VII	Amending Bengal Cess Act (Ben. Act IX of 1880).	Printed, Bengal Code.
	VIII	Petroleum . . .	Rep., XII of 1886 (when and where notified). Printed, General Acts.
	IX	Administrator General . .	Printed, General Acts.
	X	Coroners . . .	Rep., in part, X of 1882. Printed, General Acts; Madras Code.
	XI	Municipal Taxation . .	Printed, General Acts.
	XII	Rent (North-Western Provinces).	Rep., in part, and amended, XIV of 1886. Amended, VI of 1888, s. 9. Printed, N.-W. Provinces Code.
	XIII	Fort William . . .	Printed, Bengal Code.
	XIV	Benares Family Domains .	Printed, N.-W. Provinces Code.
	XV	Factories	Printed, General Acts.
	XVI	Obstructions in Fairways .	Printed, General Acts.
	XVII	Portuguese Convention . .	Printed, General Acts.
	XVIII	Land-revenue (Central Provinces).	Printed, C. Provinces Code.
	XIX	Forests (Lower Burma) . .	Printed, Burma Code.

Year.	Number	Subject or short title.	Repeals, amendments and references.
1881	XX	Incumbered Estates (Sindh)	Amended, XI of 1884. Printed, Bombay Code.
	XXI	Incumbered Estates (Broach and Kaira).	Printed, Bombay Code.
	XXII	Excise (Northern India, Lower Burma and Coorg).	Amended, VI of 1885; IX of 1885; II of 1887, ss 5 & 6. Amended (Burma), XVIII of 1888, s. 7. Printed, N. W. Provinces Code; Punjab Code; Oudh Code; C. Provinces Code; Burma Code; Coorg Code; Ajmere Code.
	XXIII	Rekkhan Agriculturists' Relief	Printed, Bombay Code.
	XXIV	Punjab Laws Amendment .	Printed, Punjab Code.
	XXV	Bánki Laws . . .	Printed, Bengal Code.
	XXVI	Negotiable Instruments	Rep., in part, and amended, II of 1885. Printed, General Acts.
1882	I	Inland Emigration .	Printed, Bengal Code; N.-W. Provinces Code, Oudh Code.
	II	Trusts	Printed, General Acts.
	III	Seditious Publications . .	Printed, General Acts.
	IV	Transfer of Property .	Amended, III of 1885. Printed, General Acts.
	V	Easements . . .	Printed, Madras Code; C. Provinces Code; Coorg Code.
	VI	Companies . . .	Amended, VI of 1887. Printed, General Acts.
	VII	Powers-of attorney . .	Printed, General Acts.
	VIII	Penal Code Amendment .	Printed, General Acts.
	IX	Prisoners Act (V of 1871) Amendment.	Printed, General Acts.
	X	Criminal Procedure .	Rep., in part, and amended, III of 1884. Rep., in part (locally), V of 1876, and s. 3 of the Code. Extended to Upper Burma with modifications, Reg VII of 1886. Amended, X of 1886; V of 1887,

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1882	X	Criminal Procedure—*contd.*	Amended, XIV of 1887, s. 78; I of 1889, s. 7; Andaman and Nicobar Islands), Reg. III of 1876, s. 13, as amended by Reg. I of 1884, s. 3; (Assam), Reg. II of 1883; (Punjab Frontier Dist.), Reg. IV of 1887, ss. 9, 37 (2) & 46; (Upper Burma), Reg. XIV of 1887, s. 4. (locally, Lower Burma), III of 1889, s 5 (when and where notified); (locally, Madras), V of 1889, s. 4; Printed, General Acts.
	XI	Tariff	Rep., in part, IX of 1885; Amended, II of 1887, ss. 7, 8 & 9; II of 1888. Printed, General Acts.
	XII	Salt	Amended, XX of 1884. Printed, General Acts.
	XIII	Kánúngos and Patwáris	Printed, N.-W. Provinces Code; Oudh Code.
	XIV	Civil Procedure . .	Rep., in part, XIV of 1885; IV of 1886; X of 1886, s. 24 (2); VIII of 1887, s. 2. Rep., in part, and amended, VII of 1888, ss. 3 to 64. Rep., in part, and amended (Ajmere-Merwára), Reg. I of 1877, ss. 2 and 28, and s. 3 of the Code; (Central Provs.), XX of 1875, ss. 11 and 12 (as added by II of 1879, s. 2), and s. 3 of the Code (Andaman and Nicobar Islands), Reg. III of 1876, s. 14 (as amended by Reg. I of 1884, s. 4). Amended, XV of 1882, s. 3, and s. 3 of the Code; VII of 1887, s. 11; VI of 1888, ss. 2 to 8; X of 1888, ss. 1 and 3; Amended (Oudh), XXIII of 1876, ss. 18 to 20, and s. 3 of the Code.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1882	XIV	Civil Procedure—*contd.*	Amended (in places to which the Act extends), IV of 1882, s. 87, and s. 3 of the Code; (Punjab), XVIII of 1884, s. 70 (as modified by XVI of 1887, s. 3); (Coorg), Reg. II of 1881, ss. 12A and 12B, as added by Reg. I of 1885, s. 9: Printed, General Acts.
	XV	Presidency Small Cause Courts.	Amended, X of 1888. Printed, General Acts.
	XVI	Incumbered Estates (Jhánsi).	Printed, N.-W. Provinces Code.
	XVII	Ports and Port-dues (amending Act XII of 1875).	Printed, General Acts.
	XVIII	Steam-boilers and Prime-movers (Burma).	Amended, I of 1885. Printed, Burma Code.
	XIX	Punjab University . . .	Printed, Punjab Code.
	XX	Paper Currency . . .	Printed, General Acts.
	XXI	Madras Forest Act Confirmation.	Printed, Madras Code.
	XXII	Dekkhan Agriculturists' Relief	Printed, Bombay Code.
1883	I	Local Self-government (Central Provinces).	Printed, C. Provinces Code.
	II	Amending Act VI of 1879 (Elephants' Preservation).	Printed, General Acts.
	III	*Repealing Act XXVII of 1854 (Názim of Bengal).*	*Spent.*
	IV	Amending Act IV of 1879 (Railways).	Printed, General Acts.
	V	Merchant Shipping . .	Printed, General Acts.
	VI	Amending Act XII of 1859 (Pilots).	Printed, Bengal Code.
	VII	*Repealing Lower Burma Labour Law (Act III of 1876).*	*Spent.*
	VIII	Little Cocos and Preparis Islands Laws.	Printed, Burma Code.

Year	Number.	Subject or short title.	Repeals, amendments and references.
1883	IX	Tenancy (Central Provinces) .	Printed, C. Provinces Code.
	X	Bikrama Singh's Estates .	Not reprinted.
	XI	Amending Act XII of 1875 (Reduction of Port-dues, Bombay).	Printed, General Acts.
	XII	Pilots (Lower Burma) . .	Printed, Burma Code.
	XIII	Indus Valley State Railway Lands.	Printed, Punjab Code.
	XIV	Local Boards (North-Western Provinces and Oudh).	Printed, N. W.-Provinces Code; Oudh Code.
	XV	Municipalities (North-Western Provinces and Oudh).	Printed, N.-W. Province Code; Oudh Code.
	XVI	*Protection of Inventions* .	*Rep., V of 1888.*
	XVII	*Native Passenger Ships (amending Act VIII of 1876).*	*Rep., X of 1887.*
	XVIII	Amending Cattle-trespass Act (I of 1871).	Printed, General Acts.
	XIX	Land Improvement Loans	S. 12 (2) repealed (by implication), VII of 1886, s. 3 (2). Printed, General Acts.
	XX	District Boards (Punjab) .	Printed, Punjab Code.
	XXI	Emigration . .	Amended, XXI of 1884. Printed, General Acts.
	XXII	Tramways (Rangoon) . .	Printed, Burma Code.
1884	I	Honorary Degrees, Calcutta, Madras and Bombay Universities.	Printed, General Acts.
	II	Partition-deeds (Madras) .	Printed, Madras Code.
	III	Criminal Procedure Code (Act X of 1882) Amendment.	Printed, General Acts.
	IV	Explosives	Printed, General Acts.
	V	Amending Chutiá Nágpur Encumbered Estates Act (VI of 1876).	Printed, Bengal Code.
	VI	Inland Steam-vessels . . .	Printed General Acts.
	VII	Steam-ships . .	Rep., in part, X of 1887. Printed, General Acts.

Year.	Number.	Subject or short title.	Repeals, amendments and references.
1884	VIII	*Repealing Ben. Reg. XIX of 1810 in the North-Western Provinces.*	*Spent.*
	IX	Legal Practitioners (amending Acts I and XVIII of 1879).	Printed, General Acts.
	X*	Burma Courts (amending Act XVII of 1875).	Printed, Burma Code.
	XI	Incumbered Estates (Sindh) (amending Act XX of 1881).	Printed, Bombay Code.
	XII	Agriculturists' Loans . .	Printed, General Acts.
	XIII	Municipalities (Punjab) .	Printed, Punjab Code
	XIV	Validation of Settlement-officers' Decisions (Punjab).	Printed, Punjab Code.
	XV	Validation of Marriage Licenses	Printed, General Acts.
	XVI	Gaming (Burma) . . .	Printed, Burma Code.
	XVII	Municipalities (Burma) .	Amended, XI of 1885. Printed, Burma Code.
	XVIII	Courts (Punjab) . .	Rep., in part, VII of 1887, s. 10; XVI of 1887; XVII of 1887; and amended, XIII of 1888. Printed, Punjab Code.
	XIX	Water-works (Rangoon) . .	Printed, Burma Code.
	XX	Amending Salt Act (XII of 1882).	Printed, General Acts.
	XXI	Straits Settlements Emigration	Printed, General Acts.

*This Act will be repealed by the new Lower Burma Courts Bill now before the Council of the Governor General.

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